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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2002

VOLUME II

R E P O R T

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND THE

COMMITTEE ON INTERNATIONAL RELATIONS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

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

JULY 2003

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

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FOREWORD

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

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

RICHARD G.LUGAR,
Chairman, Committee on Foreign Relations.

HENRY J. HYDE,
Chairman, Committee on International Relations.

LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
Washington, DC, March 31, 2003

Hon. RICHARD LUGAR,
Chairman, Committee on Foreign Relations.

DEAR MR. CHAIRMAN: On behalf of the Secretary of State, I am transmitting to you the *Country Reports on Human Rights Practices for 2002,* prepared in compliance with sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended.

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

Sincerely,

PAUL V. KELLY,
Assistant Secretary, Legislative Affairs.

Enclosure.

PREFACE

HUMAN RIGHTS REPORTS

The year 2002 offered a stern test for the advancement of human rights by the United States of America. This is not necessarily because human rights violations grew in number or severity—although there is no lack of challenge in that area—but because we have been given greater opportunity to make good on our commitment to uphold standards of human dignity and liberty.

The year began with American forces in combat in Afghanistan, and we continue to act there—with military, political and economic resources—to reverse the ill effects of the Taliban regime and the conditions that left unchecked its cruel disregard for human rights. Elsewhere in the world, we set our sights on further extending the blessings of liberty and security, and demonstrating not only that they are compatible, but also interdependent. We advanced these goals not as exclusively American aspirations, but rather as the birthright of all persons.

The Country Reports on Human Rights Practices for 2002 are grounded in the conviction that we must recognize the problem and describe it with full objectivity if we are to proceed to solving it. We gain little by ignoring human rights abuses or flinching from reporting them. This year's report covers 196 countries, ranging from defenders of human rights and democracy to the worst violators of human dignity. But in truth, no country is exempt from scrutiny, and all countries benefit from constant striving to identify their weaknesses and improve their performance in this less-than-perfect world. Furthermore, the Reports serve as a gauge for our international human rights efforts, pointing to areas of progress and drawing our attention to new and continuing challenges.

In a world marching toward democracy and respect for human rights; the United States is a leader, a partner and a contributor. We have taken this responsibility with a deep and abiding belief that human rights are universal. They are not grounded exclusively in American or Western values. But their protection worldwide serves a core U.S. national interest. It is with this responsibility firmly in mind that we have prepared, and now transmit, the Department of State's Country Reports on Human Rights Practices for 2002 to the U.S. Congress.

COLIN L. POWELL, *Secretary of State.*

OVERVIEW AND ACKNOWLEDGMENTS

HUMAN RIGHTS REPORTS

WHY THE REPORTS ARE PREPARED

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

The responsibility of the United States to speak out on behalf of international human rights standards was formalized in the early 1970s. In 1976 Congress enacted legislation creating a Coordinator of Human Rights in the Department of State, a position later upgraded to Assistant Secretary. In 1994 the Congress created a position of Senior Advisor for Women's Rights. Congress has also written into law formal requirements that U.S. foreign and trade policy take into account countries' human rights and worker rights performance and that country reports be submitted to the Congress on an annual basis. The first reports, in 1977, covered only the 82 countries receiving U.S. aid; this year 196 reports are submitted.

HOW THE REPORTS ARE PREPARED

In August 1993, the Secretary of State moved to strengthen further the human rights efforts of our embassies. All sections in each embassy were asked to contribute information and to corroborate reports of human rights violations, and new efforts were made to link mission programming to the advancement of human rights and democracy. In 1994 the Bureau of Human Rights and Humanitarian Affairs was reorganized and renamed as the Bureau of Democracy, Human Rights and Labor, reflecting both a broader sweep and a more focused approach to the interlocking issues of human rights, worker rights and democracy. The 2002 human rights reports reflect a year of dedicated effort by hundreds of State Department, Foreign Service and other U.S. Government employees.

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

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

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

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

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

Within the Bureau of Democracy, Human Rights and Labor, the editorial staff of the Country Reports Team consists of: *Editor in Chief:* Cynthia R. Bunton; *Senior Advisors:* E. Michael Southwick, Michael E. Parmly, J. Scott Carpenter, Monica Vegas Kladakis, Elizabeth Dugan; *Senior Editors:* Dan Dolan, Stan Ifshin, Jennifer

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INTRODUCTION TO THE COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR THE YEAR 2002

Spreading democratic values and respect for human rights around the world is one of the primary ways we have of advancing the national security interests of the United States. The defense of liberty is both an expression of our ideals and a source of strength that we have drawn on throughout our history. Democratic values have also been at the heart of America's most enduring and effective alliances, partnerships which continue to help us meet the challenges of tyranny and deprivation.

The U.S. Constitution aims to "secure the blessings of liberty to ourselves and our posterity." We realize that liberty is not a finished product, and that the course set out for us by our Constitution requires vigilance. Our history is a narrative of a nation confronting and overcoming obstacles to freedom, and generations to come will also undoubtedly face the question of how to fulfill the promise of our founding documents.

The Country Reports on Human Rights Practices reflect America's diligence in the struggle to expand freedom abroad. Together with past reports, and reports to come, this compendium is a snapshot of the global state of human rights that depicts work in progress and points the way to future tasks. It is a statement of our fundamental belief that human rights are universal; they are indigenous to every corner of the world, in every culture and in every religious tradition.

HUMAN RIGHTS AND NATIONAL SECURITY

Governments that rule by force and use violence against their own people often threaten and intimidate their neighbors. Driven by shaky legitimacy, these regimes rule by iron fist, putting their people and neighbors at the mercy of the cruel logic of repression. In an age when the destructive capacities of brutal regimes exceed national and even regional boundaries, addressing human rights violations—whether episodic or systemic—becomes imperative to the assurance of security throughout the international community. On a smaller scale, governments that breach their constitutional obligations and the rule of law place their societies' well-being at risk in their pursuit of stability.

The Country Reports on Human Rights Practices call attention to patterns and instances of violations of basic human rights as recognized in such fundamental documents as the Universal Declaration of Human Rights, adopted by the United Nations in 1948. They serve as the starting point—not the end—of U.S. policy to ad-

vance human rights around the world. The Reports are one of the most significant tools available to the U.S. Government to help determine foreign policy strategies that promote the development of democratic systems and principles, and remedy abuse and disregard for human rights. As President Bush declared in his January 2003 State of the Union address, "We will not permit the triumph of violence in the affairs of men—free people will set the course of history."

Governments can violate rights and punish people for exercising freedoms, but they cannot extinguish the inherent rights of all human beings. People who dare to dream of freedom are setting the course of history not only in democratic societies, but also in the repressive regimes under which many live.

- Cuba is a place where human rights are violated every day, but the Varela Project, organized by Oswaldo Paya, has proven a powerful tool for Cubans to express their yearning for fundamental freedoms. Marta Beatriz Roque's Assembly to Promote Civil Society is providing another avenue for Cubans to express their desires for change. These and other efforts by the opposition movement are incrementally eroding the Cuban regime's grip on power and oppression.
- In Burma, even after years of on-and-off political arrest, harassment and constant surveillance, Aung San Suu Kyi is still wholly committed to bringing democracy and a humane rule of law to the Burmese people. Her tremendous strength of character stands boldly in the face of the military regime's disregard for human rights and democracy, a disregard that extends to abuses such as extrajudicial killings, rapes, disappearances, forced labor and forced relocations.

Their courage points the way to improving human rights—on paths that are as diverse as the countries where they live. U.S. policy is based on supporting individuals and groups committed to following universally accepted paths to freedom, equal protection, due process and the rule of law.

Promoting democratic governance is and will remain the best way to ensure protection of human rights. The United States recognizes that a world composed of democracies will better protect our long-term national security than a world of authoritarian or chaotic regimes. A democratic form of government fosters the rule of law, open markets, more prosperous economies and better-educated citizens and ultimately a more humane, peaceful and predictable world.

THE YEAR IN REVIEW: HUMAN RIGHTS, DEMOCRACY AND LABOR

Institutional changes: In Asia, democratic politics continued to develop in East Timor, with the ratification of a constitution, election of a president, and efforts to establish governance based on the rule of law and human rights protections. Taiwan's strides were also notable, with consolidation and improvement of civil liberties catching up to its free and open electoral system.

The push to meet European Union entry requirements resulted in positive human rights developments in aspirant countries. Turkey passed extensive human rights reform packages that covered

a broadening of laws on freedom of speech, political activity and association, and fair trial. At the same time torture, although illegal, was still a serious problem and restrictions on freedom of the press remained.

Other positive developments in Europe included the first general elections in Bosnia and Herzegovina to be conducted by local (not international) authorities since the Dayton Peace Accords. Macedonia also reaffirmed the strength of its democracy through peaceful elections while its parliament laid the legal groundwork for improving civil and minority rights by completing nearly all of the constitutional and legislative actions related to the Framework Agreement.

In the Middle East, several positive steps were taken. In May, the first open municipal council elections were held in Bahrain, and in October women joined men in exercising their right to vote for the first time in nearly 30 years to elect a national parliament. Morocco saw its first open elections in September, and in Qatar, a new constitution has been drafted and municipal elections are scheduled for April 2003. Female candidates will participate for the second time.

In Russia, a new Criminal Procedure Code that took effect in July permitted for the first time the application of existing Constitutional provisions that only upon a judicial decision could individuals be arrested, taken into custody or detained. The changes appeared to be having an effect on police, prosecutorial behavior and the judicial system, although there were reports of non-compliance in some regions.

The Chinese also continued to carry out some structural reforms in the areas of the rule of law and democracy. Direct elections at the village level took place in several provinces and pressure to move them to higher levels grew. Economic reform has led to legal reform, and legislatures continued experimenting with public hearings to incorporate public opinion into policy.

Political rights: In 2002 six nations in the western hemisphere—The Bahamas, Bolivia, Brazil, Colombia, Costa Rica and Jamaica—held elections for their chief of state or government. The Organization of American States, which adopted a democracy charter in 2001, put its collective commitment into action in 2002 with vigorous efforts to resolve the political crisis in Venezuela.

In Africa, Kenya's free election and peaceful transfer of power in December signaled hope for the consolidation of democratic politics there. A political crisis during the first half of 2002 in Madagascar was eventually resolved, and legislative elections were held. In Swaziland, respect for rights and rule of law took steps backward with a government declaration that it would not abide by court decisions.

In 2002 China continued to commit serious human rights abuses in violation of international human rights instruments and at year's end, a spate of arrests of political dissidents and the imposition of the death sentence on two Tibetans, the continued detentions of Rebiya Kadeer, Wang Youcai, Qin Yongmin and others, and restrictions on religious freedom and repression of some ethnic minorities were particularly troubling.

Zimbabwe's government has used a systematic campaign of violence and intimidation against stated and perceived supporters of the opposition, even to the extent of routinely and publicly denying food to these individuals. The Government manipulated the composition of the courts and repeatedly refused to abide by judicial decisions, which undermined the judiciary.

In Eurasia, several republics of the former Soviet Union resisted positive change. In Turkmenistan the human rights situation deteriorated markedly after an attack on President Niyazov's motorcade in November, leading to serious violations of due process under the law including widespread arrests and forced evictions of suspects' families, use of torture, threats of rape and summary trials. In Kazakhstan the Government's poor human rights record worsened, including selective prosecution of opposition leaders and a pattern of media harassment suggesting an attempt to silence media critics. While there were positive steps in the first half of 2002, such as registration of the first human rights NGO and abolition of prior censorship of the media in Uzbekistan, there were also setbacks that are a cause of concern, including at least four deaths in detention due to torture. The Kyrgyz Republic held a regional by-election in October, judged by independent monitoring groups to be marred by irregularities such as multiple voting and lax standards of voting eligibility. Harassment of media and civil society continued and police killed six unarmed protesters.

Pakistan's military regime began the process of restoring elected civilian governance at the national and provincial level in October. Observers deemed the elections to be flawed, but the new government seems reasonably representative.

Internal and other conflicts: Throughout 2002, Sri Lanka made progress in implementing a cease-fire agreement between the Government and the Liberation Tigers of Tamil-Eelam (LTTE). Prisoners have been exchanged, roadblocks reduced, internally displaced persons returned, and investigations into abuses by security forces have increased. There were unconfirmed reports that LTTE continued to commit extrajudicial killings, but observers believe the number decreased in 2002. There were also reports that LTTE continued to conscript children.

In Nepal, the Maoist campaign included killings, bombing, torture, forced conscription of children and other violent tactics. Government forces were accused of killing civilians and abusing others suspected of Maoist sympathies.

The war in Sierra Leone was officially declared over in January, and the Revolutionary United Front was disarmed. Remarkably peaceful presidential elections were held in May although there were reports of election irregularities.

Elsewhere in Africa, conflicts continued to fuel human rights abuses. In Cote d'Ivoire, a coup attempt and ensuing civil unrest sparked violations by government and rebel forces. In the Democratic Republic of the Congo, major abuses continued. Rwanda withdrew its troops by October, and Uganda only had 1,000 troops left in the country at year's end.

After 27 years, peace came to Angola in February. The former UNITA rebel movement has disarmed and is transitioning into an unarmed political party, and the Government—working with the

opposition—is beginning to move the country toward new elections. The massive human rights violations of the civil war have come to an end, although an increase of abuses in Cabinda Province is worrisome. The primary focus will now be on the civil and political rights necessary for the conduct of free and fair elections as well as the establishment of the rule of law throughout the country.

Eritrea's record worsened through 2002. However, all recorded Ethiopian prisoners of war (POWs) from the former conflict were released. Ethiopia also released the last of the Eritrean POWs during 2002.

In the Chechnya conflict, Russian forces and Chechen rebels continued to commit serious human rights violations. Government forces committed extrajudicial killings and at times used indiscriminate force, which resulted in civilian casualties. A number of government "cleansing" operations involved extensive abuses of civilians. Chechen rebels increased their killings of civilian officials and militia associated with the Russian-appointed Chechen administration. On October 23, approximately 41 members of Chechen terrorist groups took more than 750 persons hostage in a Moscow theater. The terrorists killed one hostage; another 128 hostages died in the rescue effort.

Integrity of the person: Colombia showed signs of progress, with generally good elections and a declaration by paramilitary forces that they would negotiate peace in 2003. But problems remain serious, particularly extrajudicial killings. The Dominican Republic made strides in reducing the number of extrajudicial killings. The police chief was replaced and prosecutions—in civilian courts—of human rights offenders increased.

Not surprisingly, many human rights abuses occurred in nations that have non-democratic forms of government. Testimony to the U.S. Congress in mid-2002 revealed systematic and egregious violations of human rights in North Korea, including torture, summary executions and the use of prison labor under incredibly inhumane conditions.

Iraq's Republican Guard and other members of the security apparatus committed widespread and systematic human rights abuses including killings, torture, disappearances, rapes and imprisonment of Iraqi political opposition and ethnic and religious minorities.

In Cambodia, incidents of extrajudicial killings began to increase as the country prepares for 2003 elections amidst a culture of impunity and with serious shortcomings in the Government's investigations.

Freedom of the press: Harassment and vandalism were common tools used to threaten press freedom in 2002. Legal harassment was also common: In the Kyrgyz Republic, opposition newspapers were periodically refused printing services by the Government-owned press and journalists faced libel suits filed by government officials. Similar bureaucratic tactics were used to pressure NGOs and opposition political organizations. On the other hand, the Kyrgyz government registered the Media Support Center, which is intended to provide an independent printing facility and training for journalists. In Kazakhstan, violence and harassment of journal-

ists continued, and selective prosecutions of opposition figures chilled the climate of free speech. In Russia, direct and indirect government actions further weakened the autonomy of the electronic media, which is the public's primary source of information. Controls on reporting of the conflict in Chechnya and terrorist incidents elsewhere in Russia raised concerns about the ability of the press and public to have adequate access to information about government actions. In Ukraine, the killing of prominent journalist Heorhiy Gongadze remained unsolved. Although an investigation officially continued, there was a lack of transparency and the authorities refused to cooperate with foreign investigators whom they had invited to assist with the investigation.

The closing down of pro-reform publications and jailing of journalists, editors and publishers in Iran continued. A dissident academic was sentenced to death for questioning the Islamic system, a decision that sparked widespread student demonstrations and finally resulted in the Government granting a retrial. When a poll found that the overwhelming majority of Iranians supported dialogue with the United States and almost half agreed with U.S. policy vis-a-vis Iran, the regime closed the polling institutes and arrested the pollsters.

Religious freedom: These issues are discussed in depth in the annual Report on International Religious Freedom, published in October 2002, but the Country Reports also highlight important developments.

In Afghanistan there was dramatic improvement over the past year, but respect for human rights varied widely in different parts of the country. The reappearance of the Taliban's Department of Vice and Virtue, in the form of the new authority's Department of Accountability and Religious Affairs, bears monitoring. Likewise, reprisals against ethnic Pashtuns—albeit with a limited religious dimension—occurred in areas controlled by some local Northern Alliance commanders.

Other internal conflicts have a more pronounced religious dimension. Saudi Arabia continued to deny religious freedom to non-Muslims by prohibiting them from engaging in public worship. In some cases, non-Muslim individuals and private gatherings of worshippers were subject to harassment, leading to arrest, detainment, torture and deportation. Shi'a Muslims faced widespread discrimination, including imprisonment and torture.

Sectarian violence erupted in India's Gujarat Province in February, where as many as 2,000 people—mostly Muslims—died. Elections in Jammu and Kashmir, and in Gujarat, were held successfully despite widespread terrorist violence and the new state government has proposed steps to ease repression and reduce alienation. Throughout India however, light punishment for instigators of violence and perpetrators of abuse remained a stumbling block to further improvement.

In Vietnam, religious (primarily Protestant) and ethnic minorities in the Central Highlands and northwest provinces, which have often been brought to heel by government authorities in Hanoi, reportedly faced intensified repression, including closing of churches and forced renunciations of faith.

Women/Children: In Afghanistan, human rights improvements included women and ethnic minorities serving in the Government and an estimated one million girls back in school. In Burma on the other hand, the State Department documented stories of rape of ethnic minority women by the Burmese military that were similar to NGO reports on the issue suggesting that rape continued to be a widespread practice. Also, the conscription of child soldiers in Burma remained a serious problem.

Child labor in the informal sector, especially children forced into the commercial sex industry, continued to be a serious problem in Cambodia, along with trafficking in women and children. In Cote d'Ivoire, child labor remained an issue of concern, and the recruitment of child soldiers in the armed civil conflict was cause for concern. Rebel groups in particular used child soldiers.

Child soldiers were used in other conflicts, including in Colombia, where both paramilitaries and guerrillas recruited children, and there is evidence that guerrillas forcibly pressed children into their forces. In Burundi, the Government stated that it would not recruit child soldiers in its war against rebel forces. However, there are unconfirmed reports that children continue to serve in armed forces performing occasional tasks such as carrying weapons and supplies.

Trafficking: In the Middle East, the United Arab Emirates, Bahrain, Saudi Arabia and Lebanon acknowledged trafficking in persons as problems in their countries and are taking steps to address it by curbing abuses of foreign workers, regulating camel jockeys as applicable, and combating commercial sexual exploitation.

Awareness about trafficking in persons throughout Africa grew. More African countries participated in time-bound programs designed to eliminate the worst forms of child labor. In addition, many of these cash-strapped governments are increasingly working on creative programs to prevent trafficking and protect trafficking victims. Public awareness was raised at local government levels in many African countries, particularly in West Africa, about traditional practices that are being exploited by traffickers. In Tanzania, children were mobilized to help identify traffickers and other children particularly vulnerable to being trafficked. In Southern Africa, some governments began devoting more attention to the differences between trafficking, smuggling and seasonal labor migration.

In East Asia and Pacific countries, governments in general paid more attention to the problem of trafficking in persons. Indonesia passed two national plans aimed at reducing trafficking in women and children, and police action against traffickers increased. Thailand increased its cooperation with neighboring countries in addressing cross-border trafficking in persons.

In South Asia, governments continued to demonstrate serious collaboration with NGOs to provide protection, legal and medical services, and skills training to trafficking victims. This cooperative effort also extends to law enforcement, with police jointly conducting raids with NGOs.

The push for stronger anti-Trafficking in Persons (TIP) legislation was enhanced in the past year in many European countries. For example, the Governments of Turkey, Greece and Bulgaria all passed specific articles on trafficking in their criminal codes. Rus-

sia, the Kyrgyz Republic and Kazakhstan continued work on comprehensive drafts that should be finalized and forwarded to their respective parliaments soon. Localized referral systems between NGOs and police and other officials were improved and strengthened in Ukraine and UN-administered Kosovo. Serbia and Montenegro, in addition to their multi-agency national anti-trafficking teams, provided a mobile trafficking unit that brought assistance to victims throughout the country. Croatia began implementation of their National Action Plan, establishing shelters and a hotline, and drafting a law making trafficking in persons a crime.

International cooperation on investigations occurred only sporadically, with Italy and Albania showing concrete results in their joint operations.

Ratification of the UN Protocol on Trafficking was also a focus throughout the world, with several countries depositing their ratification and preparing domestic implementation.

Corruption continued to be a major impediment to successful anti-trafficking efforts. Open police corruption, harassment of returning victims and inertia on reported cases showed the public and civil society that many governments still are not serious about combating trafficking.

Worker rights: In Venezuela, the conflict between the Government and labor unions intensified throughout the year. The International Labor Organization censured the Government's refusal to recognize the election of Carlos Ortega as the president of the Confederation of Venezuelan Workers, citing government interference in independent trade union elections.

Progress was made in Bahrain, where legal protections for the right to organize and collectively bargain were established in new legislation. The Government resolved the problem of more than 1,000 "bidoon," long-term residents of the country who were formerly stateless, by issuing them appropriate documents.

Corporate social responsibility: Partnerships among governments, business, labor unions and civil society to promote human rights and sustainable development flourished. The UN Global Compact and the Organization for Economic Cooperation and Development (OECD) worked to promote voluntary principles and guidelines that advance corporate responsibility. During the year, positive examples of partnerships and dialogues between the public and private sectors emerged.

Responding to conditions in the agricultural sector, an innovative framework agreement was drafted between a multinational corporation and regional labor unions to address worker rights and corporate responsibility. A June 2002 Roundtable dialogue on the management of supply chains was featured in a report on the annual meeting of National Contact Points for the OECD Guidelines for Multinational Enterprises. The Voluntary Principles on Security and Human Rights gained new participants. ExxonMobil, Occidental Petroleum and the Government of Norway joined the multistakeholder dialogue.

Secretary of State Colin Powell presented the Secretary of State's 2002 annual Award for Corporate Excellence at a ceremony that recognized two U.S. firms for their outstanding corporate citizen-

ship and exemplary international business practices by promoting healthcare in China and poverty alleviation programs in Egypt.

NOTE: In many cases, the Country Reports on Human Rights Practices state that a country "generally respects" the rights of its citizens. The phrase "generally respects" is used because the protection and promotion of human rights is a dynamic endeavor; it cannot accurately be stated that any government fully respects these rights all the time without qualification, in even the best of circumstances. Accordingly, "generally respects" is the standard phrase used to describe all countries that attempt to protect human rights in the fullest sense, and is thus the highest level of respect for human rights assigned by this report.

In some instances, this year's Country Reports use the word "Islamist," which should be interpreted by readers as a Muslim who supports Islamic values and beliefs as the basis for political and social life.

NEAR EAST AND NORTH AFRICA

ALGERIA

As constitutional head of state, President Abdelaziz Bouteflika appoints and dismisses the Prime Minister, and may dissolve the legislature. According to the Constitution, the Prime Minister appoints the cabinet ministers; however the President has taken a key role in designating the members of the cabinet. The military establishment strongly influences defense and foreign policy and is largely believed to have influenced the outcome of the 1999 presidential election which had numerous problems associated with it. President Bouteflika, who is not affiliated formally with any party, ends his 5-year term in April 2004. The Government's cancellation of the 1992 elections, which the Islamic Salvation Front (FIS) were poised to win, suspended the country's democratic transition to a pluralist republic and resulted in on-going fighting between the security forces and armed insurgent groups seeking to impose an Islamic state. The ensuing violence resulted in the deaths of approximately 100,000 or more in the last decade. Although the Constitution provides for an independent judiciary, executive branch decrees partially restricted the judiciary's authority.

The Government's security apparatus comprises the army, consisting of ground, naval and air defense forces; the national gendarmerie; the national police; communal guards; and local self-defense forces. All of these elements were involved in counterinsurgency and counter-terrorism operations and were under the control of the Government. Security forces committed serious human rights abuses, although allegations of such abuses continued to decline during the year.

The country confronts many of the challenges that states making the transition from a state-administered to open market economy face. The country had a total population of approximately 31.5 million. The Government launched a large 4-year spending program in 2001 to stimulate the economy and modernize key sectors; however, progress continued to be slow. The Government's draft laws for liberalizing the hydrocarbons sector have stalled due to opposition from labor unions. The hydrocarbons sector was the backbone of the economy, accounting for approximately 60 percent of budget revenues, 26 percent of GDP, and over 95 percent of export earnings. Official estimates placed unemployment at 30 percent; however, as much as 70 percent of the population under the age of 30 were unable to find adequate employment. Despite macroeconomic stability, the delay in the reforms and a nonperforming public sector privatization process stunted economic growth.

Despite the decline in security force abuses from prior years, the human rights record remained generally poor, and there continued to be problems with excessive use of force, increased restrictions on freedom of expression, and failure to account for past disappearances. The massacre of civilians by armed terrorist groups also continued. There were significant limitations on citizens' right to change their government.

While such abuses continued to decline, the security forces committed extra-judicial killings, tortured, beat or otherwise abused detainees, and arbitrarily arrested and detained, or held individuals incommunicado. Most such cases were committed against suspected members of armed groups in the context of the Government's continued battle with terrorism. Security forces also committed serious abuses in connection with riots and demonstrations by the Berbers in the Kabylie region during the spring and summer of 2001. While armed confrontations continued throughout the year, there was a decrease in flagrant abuses committed by security forces. Further infringements occurred this year during the May 30 parliamentary elections and the October 10 local elections, when boycotts, protests, and other demonstrations led to violent confrontations with police, which were often put down with excessive force. Berber activists continued to face arrest, harassment, and detainment

at the hands of the Government in the months following local and parliamentary elections.

Security-force involvement in disappearances from previous years remained unresolved. The Government attempted to improve prison conditions with the assistance of the United Nations Development Program (UNDP). During the year, prisoners died in fires which stemmed from riots protesting prison conditions. Prolonged pretrial detention and lengthy trial delays were problems. Despite reforms in the judicial system, detention beyond the legal limit remained a problem. Defendants' rights to due process, illegal searches, and infringements on citizens' privacy rights also remained problems.

Although there was no overt censorship of information, the Government continued to restrict freedom of speech, press, assembly, association, and movement in varying degrees during the year. The print media was relatively free and the independent press commented regularly and openly and expressed a wide range of views on significant issues such as terrorist violence and surrenders under the amnesty program. However, some elements of the news media practiced self-censorship.

Unlike in the past, when electronic media expressed only government policy, government-controlled radio and television stations presented a variety of views, including those critical of the Government, especially during the violence that took place in the Kabylie region of the country from the spring and summer of 2001 through the end of this year. The Government also placed some restrictions on freedom of religion. Domestic violence against women, the Family Code's limits on women's civil rights and societal discrimination against women remained serious problems. Child abuse was a problem. Although the Government recognized the Amazigh language as a national language, Kabylie ethnic, cultural, and linguistic rights were the objects of demonstrations and riots in the spring of 2001 and remained an undercurrent of the political scene throughout the year, particularly during protests surrounding the parliamentary and local elections. Child labor was a problem.

Armed groups committed numerous serious abuses and killed hundreds of civilians, including infants. While such violence continued to decrease, it did not decrease at the same rate as in 2001. Armed terrorists continued their widespread campaign of insurgency, targeting government officials, families of security-force members, and civilians. The killing of civilians often was the result of rivalry between terrorist groups and to facilitate the theft of goods needed by the armed groups. Violence was also used by terrorist groups to extort money.

Armed groups left bombs in cars, cafes, and markets, which killed and injured indiscriminately. Some killings, including massacres, also were attributed to revenge, banditry, and land grabs. Press reports estimated that approximately 1,386 civilians, terrorists, and security force members died during the year in the ongoing domestic turmoil. The violence appears to have occurred primarily in the countryside, as the security forces largely forced the insurgents out of the cities. Algeria was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The security forces committed extra-judicial killings, mostly during clashes with armed terrorist groups. The Government maintained that security forces resorted to lethal force only in the context of armed clashes with terrorists. However, security forces killed 71 civilians this year. The Government also contends that, as a matter of policy, disciplinary action is taken against soldiers or policemen who are guilty of violating human rights, and that some disciplinary action was taken during the year. However, the Government did not routinely release specific information regarding punishments of military and security force personnel and no such data was made public this year. The majority of civilian deaths at the hands of security forces occurred this year during protests in and around the Kabylie region.

During riots in late March, a gendarme shot and killed a young man in Chemini, Bejaia. As a result of the rioting that ensued between gendarmes and protestors, there were hundreds of casualties and four persons were critically injured (*see* Section 1.g.).

In April mass protest marches took place in Kabylie towns to commemorate the first anniversary of high school student Massinissa Guermah's death in custody. Street battles between protesters and riot police resulted in numerous injuries and deaths (*see* Sections 2.b.).

On August 2, security forces in the east of the country killed 40 terrorists after surrounding their mountain compound for 12 days. Over the course of a 2-week period, security forces in the area of Tizi Ouzou and Bejaia bombed different camps belonging to the terrorist organization Salifast Group for Preaching and Combat (GSPC) camps using military helicopters in an attempt to capture GSPC leader Hassan Hattab.

In 2001 security forces surrounded for 11 days an abandoned mine used as a stronghold by the terrorist group GSPC calling for the terrorists to surrender. Security forces then used explosive to collapse the mine, which killed 70 persons.

In 2001 Massinissa Guermah, a 19-year-old Amazigh high school student, died in the custody of security forces of gunshot wounds. During the April 2001 demonstrations and riots that ensued in the Kabylie region following Guermah's death, security forces used excessive force, killing at least 45 rioters and demonstrators and injuring hundreds more (*see* Sections 1.c., 1.d, 2.b, and 5). Press reports have estimated that as many as 80 rioters may have died at the hands of security forces during the riots that continued into the summer. Ten days after Guermah's death, the local gendarmerie issued a statement claiming that the official responsible for the death of Guermah had been court-martialed. The Government appointed two separate commissions to investigate Guermah's death and the violence that followed it. In 2001 the report of one commission, headed by Amazigh jurist Mohand Issaad, found that the security forces version of the death was "not satisfactory," blamed gendarmerie units for using excessive force in putting down the demonstrations, and found that the units did so without orders. The report of the National Assembly Commission, released this year, differed little from the original account of the incident given by security forces. In reaction to the National Assembly report's release, the Government issued financial indemnities to the families of victims and detainees in addition to a proclamation ordering the "draw down" of gendarmes during the year. Both uniformed and civilian clothes police were deployed to minimize tension in the region.

In November 1999, prominent FIS leader Abedlkader Hachani, who had spoken out in favor of peace and reconciliation, was shot and killed in Algiers. In December 1999, authorities arrested a suspect who had the murder weapon in his possession. In March the suspect, Fouad Boulemia, was found guilty and sentenced to death.

During the year, there continued to be no reports of pro-government militia killing civilians as there had been in the past.

Armed groups targeted both security-force members and civilians. Civilian deaths attributed to terrorists decreased by 30 percent from 2001 totals. In many cases, terrorists randomly targeted civilians in an apparent attempt to create social disorder. In other cases, violent reprisals were reportedly taken against those who failed to pay a "tax" to the terrorists. Armed groups killed numerous civilians, including infants, in massacres and with small bombs. Bombs left in cars, cafes, and markets killed and maimed persons indiscriminately (*see* Section 1.g.). As well as the use of small bombs, terrorist tactics included creating false roadblocks outside the cities, often by using stolen police uniforms, weapons, and equipment. Some killings, including massacres, also were attributed to revenge, banditry, and land grabs.

Press reports estimated that approximately 1,386 civilians, terrorists, and security force members died during the year as a result of the ongoing violence, a decrease from the 1,980 who died during the previous year. The violence appears to have occurred primarily in the countryside, as the security forces largely forced the insurgents out of the cities.

On April 24, terrorists associated with GIA targeted two families as they slept in a nomad camp outside of Djelfa, killing 16 persons. Among the victims were nine children and an infant. The sole survivors of the attack reported that the group robbed the families of valuables, food, and a single rifle after the attack. On May 1 six armed terrorists associated with GIA entered the city of Tiaret and proceeded to attack two families using axes and knives. Thirty-one persons were killed and five persons injured during the attack.

At the start of summer, outside Jijel in the wilaya of Chlef, terrorists slit the throats of 23 nomads. After setting fire to two of the tents and a car, the attackers fled, taking with them a 26-year-old woman. Press reports noted on July 3 that over the past 10-day period 80 persons were killed in acts of terrorism across the nation.

On August 15, a terrorist group killed 26 persons in the hamlet of Khodr. The victims included women and 7 children between the ages of 3 and 12 years old.

On November 23, terrorists in the mountains outside Bejaia killed 9 members of the security forces during a nighttime counter-terrorist operation.

Other similar incidents took place during the year and from 1991–2001.

b. Disappearance.—There were no credible reports during the year of disappearances in which the security forces were implicated. However, local NGOs reported

a new trend of prolonged detention ranging from 8 to 18 months that was frequently reported as a disappearance until the person in question was returned to his or her family. These "new" disappearances at the hands of security forces often differed in duration and outcome from the disappearances which occurred in the country during the first half of the 1990s that remained unresolved. These incidents remained contrary to the legal procedures stipulated in the country's penal code and its Constitution. There have been credible reports of thousands of disappearances occurring over a period of several years in the mid-90s, many of which involved the security forces. A Ministry of Interior office in each district accepts cases from resident families of those reported missing. Credible sources state that the offices provided little useful information to the families of those who disappeared. During the year, the Government lobbied for internal and international support for a DNA lab and forensics training to assist in the process of identifying human remains in order to update relatives as to the status of the disappeared.

In a press conference held in June, the Director of the National Consultative Commission for the Protection and Promotion of Human Rights publicly admitted that "the issue of the disappeared was the country's greatest weakness and that more should and could be done."

In August a body of a "disappeared" person was discovered buried in a cemetery outside of Algiers. No records were available as to the circumstances under which the body was interred, and the family was unable to receive a certificate listing cause of death, despite repeated requests.

In 2001 the Minister of Interior told the National Assembly that the Ministry had agreed to investigate 4,880 cases of citizens reported "disappeared." The Ministry reported that it provided information to the families in 3,000 of those cases. In 1,600 of the cases, families requested administrative action to obtain death certificates for their missing relatives. There were no reported prosecutions of security-force personnel stemming from these cases, but government officials reported in 2000 that between 350 and 400 security officials had been punished for "human rights abuses." Families of the missing persons, defense attorneys, and local human rights groups insisted that the Government could do more to solve the outstanding cases. The Government asserted that the majority of reported cases of disappearances either were committed by terrorists disguised as security forces or involved former armed Islamist supporters who went underground to avoid terrorist reprisals.

The total number of disappeared in the country continues to be debated. Official government estimates asserted publicly that approximately 4,700 persons were missing, while privately some government officials speculate that the total could be as high as 12,000. Local NGOs reported figures of the total number of disappeared closer to 8,000. In September 2000, (AI) reported that since 1994 more that 4,000 persons disappeared after being detained by security forces.

Local NGO sources noted that a few of the persons who disappeared were released from captivity by the security forces, but that there was no public information about these cases, due to the fear of reprisal against those released. Family members and other human rights activists maintained that a number of persons who disappeared were still alive in the hands of security forces. Witness testimony made these assertions credible. However, it remained unclear if the disappeared seen alive during the 1995–1997 period still remain so. Terrorist groups continued to kidnap scores of civilians. In many instances, the victims disappeared, and the families were unable to obtain information about their fate.

There were incidents of women and girls being kidnaped by terrorist groups for the purposes of rape and servitude during the year (*see* Sections 5, 6.c., and 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Both the Constitution and legislation prohibit torture and other cruel, inhuman, or degrading treatment; however, according to local human rights groups and defense lawyers, the police at times resorted to torture when interrogating persons including those suspected of being involved with, or having sympathies for, armed insurgency groups.

There continued to be reports of police torture and other abuse of detainees during the year. AI stated that some persons die in custody from torture or were executed. The International Red Cross noted a decrease in incidents of torture and that the severity of such acts diminished. Many victims of torture hesitate to make public such allegations due to fear of government retaliation.

According to AI, in April, after plainclothes agents arrested Tahar Facouli, a shopkeeper from the village of Surcouf, security forces tortured him for his alleged contact with human rights lawyer Rachid Mesli.

Rally for Democratic Culture (RCD) alleged during the course of the year that four of its members and their families were detained and tortured by "persons with professional experience similar to those given government training." Despite appeals

to the Government for clarification by year's end, no investigations into this matter had occurred.

In the past, the Interior Ministry and the National Observatory of Human Rights (ONDH) stated publicly that the Government would punish those persons who violated the law and practiced torture. Government officials reported in November 2000 that between 350 and 400 security officials had been punished for human rights abuses, although the Government provided no details regarding the abuses that such officials committed or the punishment that they received. There was no independent mechanism available to verify the Government's claim. The National Observatory for Human Rights was replaced in 2001 by the National Consultative Commission for the Protection and Promotion of Human Rights (CNCPPDDH).

In response the backlash against security force tactics used to put down riots during the 2001 Black Spring, the Government replaced gendarme units patrolling the Kabylie region this year during the summer and fall elections with members of the local police forces.

Armed altercations between security forces and rioting civilians nonetheless continued this year, sometimes resulting in death. At the writing of this report, gendarme units were deployed again to the Kabylie region.

In 2001 the Government used excessive force in some instances to put down demonstrations and riots throughout the year in the largely Berber Kabylie region. Outdoor demonstrations in the Kabylie region turned violent from April 22 to 28, following the death in security forces' custody of a 19-year-old Berber high school student (*see* Sections 1.a., 1.c., 2.b., and 5.). Security forces used live ammunition against demonstrators, including against youths throwing stones and molotov cocktails. According to the ministry of the interior, security forces killed 45 protesters and injured 491 within six days in April of 2001. Some of those killed or injured were shot in the back. AI reported in 2001 that press reports indicated that as many as 80 persons were killed in the Kabylie through mid-year. In addition the Government detained a large number of persons for short periods in connection with the violence. AI reported that security forces tortured, beat, and otherwise abused a number of them (*see* Section 1.d.). Although the Government allowed several subsequent demonstrations to take place, it used force to disrupt several other demonstrations that were held throughout the spring and summer of 2001 and through much of the period covered by this report (*see* Section 2.b.).

In 2000 the Government announced new laws and policies concerning the Police Judiciaire (PJ), which interrogates suspects when they first are arrested to determine whether there are grounds for prosecution. Local judges now are required to grade the performance of PJ officers operating in their jurisdiction in an effort to ensure that the officers comply with the law in their treatment of suspects. In addition, any suspect held in preventative detention is to undergo a medical examination at the end of the detention, whether the suspect requests it or not. These measures remained in effect and the Government adopted them in practice.

In February 2001, following a bombing against a military unit in the area, security forces arrested Said Zaoui and approximately 20 other men in Dellys. The detainees reportedly were tortured and Zaoui reportedly remained in detention.

Police beat protestors while forcibly dispersing several demonstrations during the year and in 2001 (*see* Section 2.b.).

Armed terrorist groups committed numerous abuses, such as beheading, mutilating, and dismembering their victims, including infants, children, and pregnant women. These groups also used bombs that killed and injured persons (*see* Sections 1.a. and 1.g.). Deaths at the hands of armed groups decreased by about 30 percent, from 1,124 in 2001 to 782 during the year (*see* Sections 1.a).

Prison conditions were spartan, but generally met international standards. A local human rights activist noted that the condition of prisons throughout the country were a result of overcrowding, more than programmed or state-sponsored neglect. Poor medical standards for prisoners received press coverage in October, 6 months after nationwide prison protests. However, the provision of medical treatment remained limited. The media reported there was one doctor for every 300 prisoners. An international NGO noted that the Government continued to improve prison conditions over the past two years. Prisoners generally were found to be in good health and benefited from adequate food and expanded visitation rights. However, prison protests and riots occurred throughout the summer, fall, and winter of this year, as a result of conditions imposed by overcrowding and poor living conditions, resulting in injuries and numerous deaths.

On April 30, a 19-year-old prisoner at Bab El Djedid Prison in Algiers attempted to kill himself with a broken light bulb. As prison guards attempted to stop the prisoner, a second prisoner in a nearby cell lit a fire in his bed. Nineteen prisoners died and nine others were injured in the ensuing fire. Three days later a revolt began

in the same prison, with approximately 60 prisoners climbing onto the roof and threatening to jump.

On May 5, in the prison of Boussouf in Constantine, prisoners lit fire to their sheets and beds. Forty-eight prisoners were injured and four had serious injuries.

In general the Government does not permit independent monitoring of prisons or detention centers outside of programmed visits by the International Committee of the Red Cross (ICRC). The Government allowed ICRC to visit prisons since 1999 and as of October, ICRC had an official presence. Limited monitoring consisted of pre-selected detainees, chosen by the Government, being granted access to and meeting with various international human rights groups. The ICRC did not visit FIS leaders or other political leaders in prison or under house arrest.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the security forces continued arbitrarily to arrest and detain citizens, although such practices have been reported less frequently than in past years.

The 1992 Antiterrorist Law suspended the requirement that the police obtain warrants in order to make an arrest. During the year, the police made limited use of this law. However, according to defense attorneys, police who executed searches without a warrant routinely failed to identify themselves as police and abused those who asked for identification (*see* Section 1.f.).

The Constitution provides that incommunicado detention in criminal cases prior to arraignment may not exceed 48 hours, after which the suspect must be charged or released. However, according to the 1992 Antiterrorist Law, the police may hold suspects in pre-arraignment detention for up to 12 days, although police must inform suspects of the charges against them. In practice the security forces generally adhered to this 12-day limit in terrorist cases and to the 48-hour limit in nonterrorist cases.

The President of CNCPPDDH stated in a press interview in September that he considered "the poor application of legal texts by judges, notably the practice of 'preventive detention' to be the sole reason that the country's entire judicial system continues to be of poor quality." He further stated that the State of Emergency had no room to accommodate human rights, and personally demanded that it be lifted.

In April according to AI, Tahar Facouli was tortured and kept in detention because of his contacts with exiled human rights lawyer Rachid Mesli.

Rally for Democratic Culture (RCD) members lodged a formal complaint to the Ministry of Justice for the 3-day detainment without formal charges of a party member from May 5 through May 8. In October a human rights attorney who had frequently aligned himself with the RCD was beaten by unknown assailants outside of the El Aurassi Hotel. RCD officials alleged that "aspects of the Government" were involved in the attack.

Arouch citizen's movement members Belaid Abrika, Mouloud Chebheb, Mohamed Nekkah, Mahklouf Lyes, Allik Tahar, and Rachid Allouache were arrested and detained while attempting to follow the court proceedings of Kabylie residents arrested during the riots. On October 15, Abrika was charged with inciting violence and held on a four month, renewable basis until his trial. In December he and others began a hunger strike which lasted 42 days to protest their detainment. In contravention of the Penal Code, by year's end, a trial date had not been chosen by the Government (*see* Section 3).

In April 2001, three students were arrested in two separate incidents in the Kabylie region. One died in custody and the other two subsequently were released. The death in custody precipitated demonstrations and riots in the region throughout the spring and summer and remained an aspect of protests carried out in the region this year (*see* Sections 1.a., 1.c., 2.b.).

In 2001 the Government detained and released hundreds of persons in connection with the demonstrations and riots that took place in the Kabylie region in the spring and summer following the April death in custody. AI reported that the police tortured or otherwise abused persons in custody at that time (*see* Section 1.c.).

Abassi Madani, President of the banned FIS party, who was released from prison in 1997, remained under house arrest and was allowed to receive visits only from members of his family (*see* Section 2.d.). During the year, Madani made numerous press statements and conducted interviews while under house arrest. Jailed oppositionist and FIS vice president Ali Belhadj, who had been held incommunicado from 1992 until 1998, was allowed contact with members of his family, who spoke to the press on his behalf during the year. Media reports indicated that government officials also held talks with the FIS in an attempt to gauge public sentiment towards a release of the leaders on humanitarian grounds due to poor health. In early December the Government abandoned plans for his release, according to print media.

Police and communal guards frequently detained persons at checkpoints. There were previously reports of police arresting close relatives of suspected terrorists in order to force the suspects to surrender. While no reports were received of similar acts this year, 73-year-old El-Hadj M'lik who was arrested in 2000 was questioned concerning his sons, one of whom is believed to be a member of a terrorist group. Security officials reassured the family on two separate occasions that M'lik would be returned to them. However, the Government has released no further information on the case during the year.

Prolonged pretrial detention was a problem. Persons accused of crimes sometimes did not receive expeditious trials; however, instances of long-term detention appeared to decrease somewhat during the past year (*see* Section 1.e.). Hundreds of state enterprise officials who were arrested on charges of corruption in 1996 remained in detention. Some local human rights activists and NGOs claimed that the Government continued to keep some former prisoners under surveillance and required them to report periodically to police.

Forced exile is not a legal form of punishment and was not known to be practiced. However, numerous cases of self-imposed exile involved former FIS members or persons who maintained that they have been accused falsely of terrorism as punishment for openly criticizing government policies.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, executive branch decrees restricted the judiciary's authority. The Minister of Justice appoints the judges. A judge's term is 10 years. The Government reportedly may remove judges at will. In August 2000, the President announced a massive reorganization of the judiciary. He changed approximately 80 percent of the heads of the 187 lower courts and all but three of the presidents of the 37 higher-level courts. Most of the court heads were reassigned to new locations; however, a number were replaced. The Government sought international technical assistance with the reform of its judiciary over the course of the year, in many instances funded in full by the Government.

The judiciary is composed of the civil courts, which tried cases involving civilians, and the military courts, which have tried civilians on security and terrorism charges. There is also Constitutional Council, which reviews the constitutionality of treaties, laws, and regulations. Although the Council is not part of the judiciary, it has the authority to nullify laws found unconstitutional. The Council has nine members: three of the members (including the council president) are appointed by the President; two are elected by the upper house of the Parliament; two are elected by the lower house of the Parliament; one is elected by the Supreme Court; and one is elected by the Council of State. Regular criminal courts try those persons accused of security-related offenses. Long-term detentions of suspects awaiting trial again appeared to decrease somewhat during the year (*see* Section 1.d.).

According to the Constitution, defendants are presumed innocent until proven guilty. They have the right to confront their accusers and may appeal the conviction. Trials are public, and defendants have the right to legal counsel. However, the authorities did not always respect all legal provisions regarding defendants' rights, and continue to deny due process. Some lawyers did not accept cases of defendants accused of security-related offenses, due to fear of retribution from the security forces. Defense lawyers for members of the banned FIS suffered harassment, death threats, and arrest.

An unknown number of persons who could be considered political prisoners were serving prison sentences because of their sympathies with Islamist groups and membership in the FIS. International human rights groups did not request visits with political prisoners this year; therefore it was unclear whether the Government would permit such organizations to visit political prisoners.

In the days prior to the May legislative elections, President Bouteflika granted amnesty to prisoners serving jail sentences for criminal violations, including four students jailed for throwing rocks at him during a visit to Algiers.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home, but authorities frequently infringed on citizens' privacy rights. The state of emergency authorizes provincial governors to issue exceptional warrants at any time. Security forces also entered residences without warrants. According to defense attorneys, police who executed searches without a warrant routinely failed to identify themselves as police and abused persons who asked for identification.

Security forces deployed an extensive network of secret informers against both terrorist targets and political opponents. Credible sources and journalists believe that the Government actively monitored telephone lines of political opponents, journalists, and human rights groups (*see* Section 4). There were reports of police arrest-

ing close relatives of suspected terrorists in order to force the suspects to surrender (*see* Section 1.d.).

Armed terrorists entered private homes either to kill or kidnap residents or to steal weapons, valuables, or food (*see* Section 1.a.). After massacres that took place in their villages, numerous civilians fled their homes. Armed terrorist groups consistently used threats of violence to extort money from businesses and families across the country.

g. Use of Excessive Force and Violations of Humanitarian Law.—On October 24, during a television interview with French channel LCI broadcast nationally, General Touati, the President's Defense Advisor, stated that the Kabylie region had been "severely repressed." Kabylie Security forces reportedly exhibited excessive force throughout the year in the Kabylie region.

In March gendarme units stationed in Azazga (Tizi Ouzou), El Kseur, and Seddouk abandoned their barracks in the face of widespread protests. Rioters burned barracks buildings, and in retaliation, gendarmes from El Kseur, upon orders from the Government, looted and ransacked shops, threatened bystanders and protesters alike, and attacked many. The death of a man in Seddouk at the hands of security forces sparked off more violent clashes (*see* Section 1.a.).

Wide-spread protest throughout the Kabylie region during July and August forced 21 gendarmerie brigades to withdraw after a young man was killed when shot in the head by a plastic bullet during riots in Chemini, Bejaia. Amidst the rioting that ensued, casualty figures were in the hundreds and special units of security forces were called in to replace the gendarmes as they withdrew from the region. Anticipating the gendarmes' departure, youths marching on barracks in Mechtras were fired at by gendarmes with rubber bullets and smoke grenades, critically injuring four. Further rioting ensued, which resulted in violent clashes between gendarmes and protesters (*see* Section 1.a.).

In April 2001, gendarme units used excessive force in response to rioting in the Kabylie region. Gendarme units shot rioters with lethal rounds, not rubber ones, often in the back. A report issued by the Government-appointed Issad Commission to investigate the violence, found that the gendarmes acted without orders. The Government claimed that the gendarmes who fired the shots were disciplined. However, no details were provided to the public during the year regarding the specifics of this "disciplinary" action (*see* Sections 1.a. and 2.b.).

Armed groups continued to be responsible for numerous, indiscriminate killings. Terrorists left bombs at several markets and other public places during the year, killing and injuring dozens of persons. In rural areas, terrorists continued to plant bombs and mines, which often targeted security force personnel.

On March 17, terrorists left a large home-made bomb which exploded at a post office in Algiers, in which more 20 persons were injured.

On April 20, a nail bomb left at a school in Medea exploded injuring 20. On May 15, a bomb a few meters from the headquarters of the communal guard killed 4 and injured 14. Hidden in a manhole at the entrance of an open-air market in Tazmalt, the blast was timed to kill countless more had it not been for poor craftsmanship.

On July 5, a market bomb in Larbaa killed 38 and injured 82. As in the past, such random lethal terrorist attacks occurred throughout the year (*see* Section 1.a.).

On October 12, terrorists set up a false roadblock outside of Boumia. Dressed as communal guards, a vehicle traveling from Algiers was detained that contained six persons. Four civilians were robbed of their valuables; the terrorists shot and killed the two police officers traveling with the group.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech; however, the Government restricted this right in practice. A 1990 law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The state of emergency decree gives the Government broad authority to restrict these freedoms and to take legal action against what it considers to be threats to the state or public order. These regulations were enforced throughout the year, and in some instances appeared to target specific media organizations and their staff. The number of independent press publications prosecuted or fined for reporting on security matters increased from the previous year.

While the law permits the Government to levy fines and jail time against the press in a manner that restricts press freedom, in practice the existence of such a did little to curb reporting by the independent press. However, members of the press acknowledged the economic strains placed on the print media as a result of the 2001 amendment.

In 2001 the Government enacted broad amendments to the Penal Code that imposed high fines and prison terms of up to 24 months for defamation or "insult" of

government figures, including the President, Members of Parliament, judges, members of the military and "any other authority of public order." At least six prosecutions occurred under the 2001 amendment to the Penal Code by year's end.

The Government's definition of security information often extended beyond purely military matters to encompass broader political affairs. In 1995 FIS officials who had been freed from detention in 1994 received direct orders from the Justice Ministry to make no further public statements. This ban remained in force.

In general journalists exercised self-censorship by not publishing criticism of specific senior military officials, although throughout the year, the press widely criticized current and retired military officers.

In February two journalists were brought before the court and censured for reporting on security force tactics used against terrorists in mountainous areas. A television journalist with National Radio and Television (RTN) was refused accreditation without explanation and barred from covering October's local elections. Despite inquiries on his behalf by RTN and other interested parties, the grounds of the refusal were not made public.

For example, in August media criticism of military spending forced General Lamari to appear at a press conference, brandishing his pay slip in defense of his salary. Media criticism of the military and its leadership reached a groundswell during the Government sponsored "Colloquium on Terrorism" on October 26–28.

On October 22, the editors of three major newspapers El-

Watan, Liberte, and le Matin, were brought to court to respond to charges brought against them by the Ministry of Defense under the 2001 Amendment. The El-Watan editor was charged with "allowing" a journalist on his staff to write a libelous article about the son-in-law of Colonel Boussis, a prominent retired colonel.

During the fall, the Ministry of Communication and Culture proposed a pilot study to have fledgling newspapers screened by the Ministry of the Interior and Ministry of Justice, as opposed to the Ministry of Communication and Culture as provided for under the current law. Journalists raised concerns that should the pilot study be promulgated into law, journalists' freedom of expression will be constrained and monitored by the Ministry of the Interior under the guise of national security. By year's end, the pilot study was implemented.

In July 2001, Fawzia Ababsah, managing editor of the French-language daily newspaper, L'Authentique, was tried in abstentia and sentenced to 6 months in prison for defamation of Secretary General Mahmoudi of the Finance Confederation (a union of financial workers). Under the law, a person tried in abstentia has the right to "oppose" any such decision and have the case reheard at the same level. Ababsah stated that she intended to oppose the finding in her case.

According to a 1994 inter-ministerial decree, independent newspapers can print security information only from official government bulletins carried by the Government-controlled Algerian Press Service (APS). However, independent newspapers openly ignored the directive, and the trend toward increased openness about security-force activities continued during the year. The Government continued to provide the press with more information than in the past about the security situation. The Government-controlled press reported on terrorism in an increasingly straightforward and accurate manner. Unlike in previous years, when journalists deliberately did not report on current possible abuses by security forces to avoid difficulties with the Government, the independent press reported openly on abuses by the gendarmerie during the recent violence in the Kabylie region in 2001 and the violence surrounding this year's elections (*see* Sections 1.a., 1.c., 1.d., 2.b., and 5). There also was significant coverage of NGO activity aimed at publicizing government abuses committed in the past.

Other than El Moujahid, which is the official government newspaper and reflects the FLN party's views, there were no newspapers owned by political parties, although Liberte, L'Expression, L'Autentique, and El-Borhane continued to report from an ideological perspective. Many parties, including legal Islamist political parties, had access to the independent press, in which they expressed their views without government interference. Opposition parties also disseminated information via the Internet and in comuniques.

In 2001 two independent newspapers (El Watan and Al-Khabbar) began to print in a privately run printing plant with privately obtained newsprint. This ended the Government's monopoly on printing companies and newsprint imports. However, most independent newspapers continued to rely on the Government for printing and paper imports. There was no overt use of the Government's power to halt newspaper publications during the year. However, an administrative notice was disseminated throughout the ministries in March announcing that four newspapers that were highly critical of the Government, Liberte, Le Matin, Le Soir, and El-Youm, would no longer be distributed to ministry offices.

The Government continued to exercise pressure on the independent press through the state-owned advertising company. All state-owned companies that wished to place an advertisement in a newspaper had to submit the item to the advertising company, which then decided in which newspapers to place it. In an economy in which state companies' output and government services still represented approximately two-thirds of national income, government-provided advertising constituted a significant source of advertising revenue for the country's newspapers. Advertising companies tended to provide significant amounts of advertising to publications with a strong anti-Islamist editorial line and to withhold advertising from newspapers on political grounds, even if such newspapers had large readerships or offered cheap advertising rates.

Radio and television remained under government control, with coverage favoring the Government's policies. Satellite-dish antennas were widespread, and millions of citizens had access to European and Middle Eastern broadcasting.

Many artists, intellectuals, and university educators fled the country after widespread violence began in 1992; however, some continued to return during the year. A growing number of academic seminars and colloquiums occurred without governmental interference, including a conference on Kabylie language and culture in October. In May 2001, a forum on Judicial Reform was sponsored by Freedom House, which enjoyed wide press coverage.

University students staged numerous small strikes early in the year in support of the protests in Kabylie. In April a student strike in Algiers shut down two universities. Launched to protest the arrest of over 500 persons in the Kabylie region during riots staged throughout the year, the universities remained closed for four days. The Government did not interfere in any political or economic seminars, as it had in the past.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the 1992 Emergency Law and government practice sharply curtailed this right. Citizens and organizations must obtain permits from the appointed local governor before holding public meetings. The Government frequently granted licenses to political parties, NGOs, and other groups to hold indoor rallies, although licenses were frequently granted days before events were to take place, often impeding event publicity and outreach.

On December 10, supporters of Arouch detainees attempted a protest in Algiers. Security forces increased their presence and government roadblocks along the road leading from Tizi Ouzou to Algiers, and security was heightened throughout the capital. Approximately fifty persons were arrested as police and security forces put down the 300-person protest. In December a commune on the outskirts of Tizi Ouzou in the Kabylie banned public demonstrations.

In response to the backlash against security force tactics used to put down riots in Spring 2001, the Government replaced gendarme units patrolling the Kabylie region this year during the summer and fall elections with members of the local police forces. Armed altercations between security forces and rioting civilians nonetheless continued this year, frequently resulting in death.

In October gendarme units were deployed again to the Kabylie region in the days surrounding the local elections to quell anticipated civil unrest.

In spring 2001, the Government used excessive force in some instances to put down demonstrations and riots in the largely Berber Kabylie region. More than 50 persons were killed, hundreds were injured, and a large number of persons were detained for short periods in connection with the violence. AI reported that security forces tortured, beat, and otherwise abused a number of them (*see* Sections 1.a., 1.c., 1.d., and 5).

Although the Government allowed several subsequent demonstrations to take place, it used force to disrupt several other demonstrations that were held throughout the spring and summer of 2001 and during the year (*see* Section 2.b.).

After the April 2001 violence, the Government permitted some demonstrations (most of them unsanctioned) to take place. The largest political demonstration to take place in Algiers since 1998 concluded peacefully in early May 2001, in which more than 20,000 persons marched in protest of government actions in quelling unrest in the Kabylie region.

However, the Government at times used force to disperse demonstrations that became violent. In late May 2001, as many as 20,000 demonstrators marched in Algiers with the tacit approval of the Government. Security forces used tear gas and water cannons to break up the demonstrations when 600 to 700 protestors became violent, throwing stones at police. One month later, the Government dispersed a march of more than 250,000 protesters after small groups of marchers became violent, with tear gas and water cannons. Some protesters burned and destroyed property, looting a police station, a bus depot, stores, and businesses. In response, the

Government announced a ban on demonstrations in the capital which remained in effect.

Some other unlicensed groups continued to be active, including groups dedicated to the cause of persons who have disappeared. Such groups continued to hold regular demonstrations outside government buildings during the year.

In November 2001, security forces in Constantine disrupted a demonstration by family members of persons who had disappeared. When the crowd of approximately 100 persons arrived at the town hall for the weekly demonstration, they were met by security forces who demanded that they disperse. When the demonstrators refused to leave, security forces forcibly dispersed them, reportedly using truncheons. One person was injured.

The Constitution provides for the right of association; however, the 1992 Emergency Law and government practice severely restricted it. The Interior Ministry must approve all political parties before they may be established (*see* Section 3). In October President Bouteflika announced that the Government would consider dissolving parties that received less that 5 percent of the vote during the local elections. The Interior Minister confirmed the Government's intention to promulgate such a decree, despite it being in violation of the Constitution.

In 2000 the Government refused to approve the Wafa Party on the grounds that many of its members had belonged to the outlawed FIS. The Government closed the Party's offices in November 2000. The Front Democratique, headed by former Prime Minister Sid Ahmed Ghozali, applied for registration in May 2000, but received no response within the time period specified by law for governmental decision on such cases (*see* Section 3). In March 2001, the Interior Minister stated that the information in the party's application was too vague and that the Ministry was in the process of gathering the information it needed to make a decision. The Front Democratique remained unlicensed throughout the year.

Domestic NGOs must be licensed by the Government and the Interior Ministry regarded all associations as illegal unless they had licenses. Domestic NGOs were prohibited from receiving funding from abroad. The Ministry may deny a license to, or dissolve, any group regarded as a threat to the Government's authority, or to the security or public order of the State. After the Government suspended the parliamentary election in 1992, it banned the FIS as a political party, and the social and charitable groups associated with it (*see* Section 3). Membership in the FIS remained illegal, although at least one former FIS leader announced publicly that he intended to form a cultural youth group. Some unlicensed groups operated openly.

c. Freedom of Religion.—The Constitution prohibits discrimination based on religious belief and the Government generally respected this right in practice; however, there were some restrictions. Although the Constitution declares Islam to be the state religion and the law limited the practice of other faiths; however, the Government followed a de facto policy of tolerance by not inquiring into the religious practices of individuals.

The law prohibits public assembly for purposes of practicing a faith other than Islam. However, Roman Catholic churches, including a cathedral in Algiers (the seat of the Archbishop), conducted services without government interference. There were only a few smaller churches and other places of worship; non-Muslims usually congregated in private homes for religious services.

Since Islam is the state religion, the country's education system is structured to benefit Muslims. Education is free to all citizens below the age of 16, and the study of Islam is a strict requirement in the public schools, which are regulated by the Ministry of Education and the Ministry of Religious Affairs.

The Government monitored activities in mosques for possible security-related offenses and bars their use as public meeting places outside of regular prayer hours. The Ministry of Religious Affairs provided financial support to mosques and has limited control over the training of imams. The Ministry of Religious Affairs frequently appointed selected imams to mosques throughout the country, and by law is allowed to pre-screen religious sermons before they are delivered publicly. In practice, while the Government frequently reviewed sermons, the press reported that mosques supplanted government-appointed imams with those that hold views more closely aligned to the sentiments of each mosques' adherents. The Ministry of Religious Affairs publicly discussed its intention to create a government-run school for the training of imams, charged with ensuring that all imams are of the highest educational caliber and present messages in line with government guidelines in place to stem religious fanaticism. However, no school was established.

Amendments to the Penal Code in 2001 specify prison sentences and fines for preaching in a mosque by persons who have not been recognized by the Government as imams. "Persons (including imams recognized by the Government) were prohibited from speaking out during prayers at the mosque in a manner that is "contrary

to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions." There were no reported cases in which the Government invoked the new amendments by year's end.

Conversions from Islam to other religions were rare. Islam does not recognize conversion to other faiths at any age. However, the Constitution's provisions concerning freedom of religion prohibit any government sanction against conversion. Because of safety concerns and potential legal and social problems, Muslim converts practiced their new faith clandestinely. Non-Islamic proselytizing is illegal, and the Government restricted the importation of non-Islamic religious literature for widespread distribution, although not for personal use. Non-Islamic religious texts and music and video selections no longer were difficult to locate for purchase. The Government prohibits the dissemination of any literature portraying violence as a legitimate precept of Islam.

The country's 11-year civil conflict has pitted self- proclaimed radical Muslims against the general Islamic population. Self-proclaimed "Islamists," or religious extremists issued public threats against all "infidels" in the country, both foreigners and citizens, and killed both Muslims and non-Muslims, including missionaries. The majority of the country's terrorist groups did not, as a rule, differentiate between religious and political killings.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the Government at times restricted these rights. The Government did not allow foreign travel by senior officials of the banned FIS. FIS President Abassi Madani, who was released from prison in 1997, remained under house arrest (*see* Section 1.d.). The Government also does not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country if they do not have special authorization; such authorization may be granted to students and to those persons with special family circumstances.

The Family Code does not permit married females less than 19 years of age to travel abroad without their husband's permission, although this provision generally was not followed in practice (*see* Section 5).

Under the state of emergency, the Interior Minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The Government also restricted travel into four southern provinces, where much of the hydrocarbon industry and many foreign workers were located, in order to enhance security in those areas.

The police and the communal guards operated checkpoints throughout the country. They routinely stopped vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detained persons at these checkpoints.

Armed groups intercepted citizens at roadblocks, often using stolen police uniforms and equipment in various regions to rob them of their cash and vehicles. On occasion, armed groups killed groups of civilian passengers at these roadblocks (*see* Section 1.a.).

The Constitution and the law provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government grants asylum and cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 2001 the Government provided first asylum to approximately 165,000 refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970s. UNHCR, the World Food Program (WFP), the Algerian Red Crescent, and other organizations assisted Sahrawi refugees.

The country also hosts an estimated 5,000 Palestinian refugees, most of whom no longer require international assistance. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government; however, there are limitations to this right in practice (*see* Section 2.b.). The military's continued influence in government matters constrained citizens from exercising this right to the fullest possible extent. However, the situation continued to improve, although factors such as voter distrust and apathy, and boycotts in the Kabylie region underscored continuing problems in the arena of transparent governance. The strong prerogatives of the executive branch, supported by the entrenched

power of the military and the bureaucracy, inhibited citizens from exercising this right.

President Bouteflika was elected in an April 1999 presidential election that was seriously flawed by the withdrawal 1 day before the election of all other candidates, who charged that the military already had begun to implement plans to produce a fraudulent Bouteflika victory. Until those allegations surfaced, the campaign was conducted fairly, with all candidates widely covered in both state-owned and private media. The conduct of the campaign—although regulated as to the use of languages other than Arabic, and as to the timing, location, and duration of meetings—was free, and all candidates traveled extensively throughout the country. One potential candidate was denied the ability to run because the electoral commission determined that he could not prove that he had participated in the country's war of independence against France, a legal requirement for candidates for President born before July 1942. With the withdrawal of the other candidates and the absence of foreign observers, it was difficult to make an accurate determination of turnout for the election; although it apparently was as low as 30 percent, the Government claimed a 60 percent turnout. The next presidential election is scheduled for April 2004.

The withdrawal of six presidential candidates in 1999 amidst credible charges of fraud, and the election of President Bouteflika, highlighted the continued dominance of the military elite in the process of selecting the country's political leadership. This dominance was reportedly not as prevalent in parliamentary and local elections.

During the year, a new electoral law was implemented, with the oversight of the majority of the country's political parties, to remedy problems in the existing election laws that permitted the Government to remove candidates from party lists for "security" reasons. Elections observers noted that those selected for removal were more frequently from Islamic parties, questioning why a judge and a professor at the national military academy could hold the positions they do, yet be considered a national security threat when running for political office.

On May 30, the country held its second round of multi-party parliamentary elections since 1992. The elections were regarded as free and fair, although not problem-free. Candidates representing 23 political parties participated, along with several independent candidates.

FLN took control of the National Popular Assembly after an 11-year absence from power. It more than tripled its number of seats in the 389-seat parliament, securing 199 seats in total. Two conservative Islamic parties, Islah and Movement of the Society for Peace (MSP) share control of 81 seats, the second largest bloc in the governing body. The Kabylie-based Rally Democratic Culture (RCD) boycotted the vote, and urged supporters to support its contention that the election was an outright sham.

Voter turnout of 46 percent was the lowest since the country's independence. Problems were reported by credible sources at some polling stations, notably ballot envelopes filled with positive votes for the FLN. The Kabylie region launched a sometimes violently enforced boycott to protest the lack of transparency, increased corruption, and overt discrimination against Amazigh parties and candidates, successfully limiting the vote to 15 percent in some regions and 7 percent in Tizi Ouzou. In response to the protagonists of the boycott's use of force to block voting from occurring in the region while the boycott was in place, the Minister of the Interior publicly stated prior to the elections that votes would be cast in all voting locations.

Local elections on October 10 saw further boycotts by residents in the Kabylie region, with many protests leading to violent confrontations with the police. On October 5, the Arouch Citizen's Movement organized a general strike in order to reject the upcoming local elections. Riots and confrontations with security forces ensued, of which many were violent. Police arrested and detained Arouch (Berber political movement) leader Belaid Abrika, his attorneys, and other leaders of the "Movement of Citizens" while attempting to follow the court proceedings of Kabylie residents arrested during the riots. On October 15, Abrika was charged with inciting violence and held on a 4 month renewable basis until his trial (*see* Section 1.d.). Strikes, sit-ins, and demonstrations around the Court of Justice in Tizi Ouzou protested the arrests and continued throughout the remainder of the year.

Under the Constitution, the President has the authority to rule by decree in special circumstances. The President subsequently must submit to the Parliament for approval decrees issued while the Parliament is not in session. The President did not exercise such authority during the year. The Parliament has a popularly elected lower chamber, the National Popular Assembly and an upper chamber, the National Council, two-thirds of whose members are elected by municipal and provincial councils. The President appoints the remaining one-third of the National Council's mem-

bers. Legislation must have the approval of three-quarters of both the upper and lower chambers' members. Laws must originate in the lower chamber.

Since 1997 the law requires that potential political parties receive official approval from the Interior Ministry before they may be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the Interior Ministry. Two parties, Wafa and Front Democratique, have failed to receive registration. In October President Bouteflika announced that the Government would consider dissolving parties that received less that 5 percent of the vote during the local elections. The Interior Minister confirmed the Government's intention to promulgate such a decree, despite it being in violation of the Constitution. No party may use religion, Amazigh heritage, or Arab heritage as a basis of organizing for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

The more than 30 existing political parties represent a wide spectrum of viewpoints and are engaged in activities that ranged from holding rallies to issuing communiqués. The Government continued to ban the FIS as a political party (*see* Section 2.b.). In 2001 the Interior Minister stated that the information in the Front Democratique's application for recognition, which was filed in May 2000, was too vague, and that the Ministry was in the process of gathering the information it needed to make a decision. The party's application remained pending at year's end. With the exception of the FLN and the formerly governing National Democratic Rally (RND), political parties sometimes encountered difficulties with local officials who hindered their organizational efforts such as access to public venues and permits for assembly. While opposition parties' access to state-controlled electronic media remained limited, opposition party leaders increasingly were permitted to represent their views on television and on the radio, even those views directly critical of the Government. This year, for the elections, there was an equal division of air time for political parties. Televised parliamentary debates aired uncensored and allowed all parties access to the electronic media. The independent press also publicized their views.

The new Cabinet, named in June, had five female members. Twenty four of the 389 members of the lower house of Parliament are women. The upper house had seven female members. This was an increase of 45 percent and 14 percent respectively, from last year. The spokesperson for the Benflis government was a woman. During both sets of the elections that occurred this year, female candidates could be found on the top tiers of lists; this remained true for both RND and the Islamic-leaning party of Islah. In September 1999, President Bouteflika appointed the first female provincial governor. A woman headed the Workers' Party, and all the major political parties except one had women's divisions headed by women.

The ethnic Berber minority of about 9 million centered in the Kabylie region participated freely and actively in the political process in the past. However, Berber protests and boycotts surrounding the May and October elections underscored the economic and social neglect felt by many in this community, which made up nearly one third of the overall population. From April 2001 through the remainder of the year, the Berber held a series of demonstrations, some violent; security forces in some instances put down violent demonstrations with excessive force (*see* Sections 1.a., 1.c., 1.d., and 2.b.).

Two major opposition parties originated in the Berber-populated region of the country: the Socialist Forces Front and the Rally for Culture and Democracy. These two parties represented Amazigh political and cultural concerns in the Parliament and the media. The two Berber-based parties were required to conform with the 1997 changes to the Electoral Law that stipulated that political parties must have at least 25 founders from across the country. Both parties dropped out of parliament in protest of human rights violations in the Kabylie region earlier in the year.

The Touaregs, a people of Amazigh origin, played an important role in politics despite their small numbers, particularly in the South and along the border regions where they remained the dominant ethnic group.

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

The most active independent human rights group was the Algerian League for the Defense of Human Rights (LADDH), an independent organization that had members throughout the country. The LADDH was not permitted access to government officials for human rights and advocacy or research purposes, or to prisons, except as under the normal consultations allowed between a lawyer and a client. The less active Algerian League for Human Rights (LADH) was an independent organization based in Constantine. The LADH had members throughout the country who fol-

lowed individual cases. Human rights groups reported occasional harassment by government authorities in the form of obvious surveillance and monitoring of telephone service (*see* Section 1.f.).

The Government allowed visits by international NGOs since loosening its ban on such visits prior to 2000. Monitoring trips have occurred at the invitation of the Government and the majority of groups were allowed to move about freely. During the year, Human Rights Watch (HRW), International Red Cross/Red Crescent (ICRC), and Reporters without Borders have all been allowed to visit the country. Although an Amnesty Algeria office was established in Algiers in 1999, AI was not permitted access to the country since November of 2000. The organization also claimed that the Government was staging demonstrations opposing 2000 AI visit. Freedom House, after criticizing the Government in late December for continued human rights abuses, also incurred visa difficulties. In 2001 the Rights Consortium, a combined effort of Freedom House, the International Center for Journalists, and the American Bar Association, visited the country in January, February, and May.

Doctors Without Borders requested visas to visit the Kabylie region in June of 2001. Their requests were denied because the Government maintained that the country's medical system was sufficient to handle the demand for medical care. The Government had not responded positively to requests for visits from the U.N. Working Group on Enforced or Involuntary Disappearances, the U.N. Special Rapporteur on Torture and the U.N. Special Rapporteur on Extrajudicial Executions. However, the UN Rapporteur on the Freedom of Religion was allowed to visited the country in September.

The National Observatory for Human Rights (ONDH) was established by the Government in 1992 to report human rights violations to the authorities; however, in February President Bouteflika announced the creation of a new Human Rights Commission to replace the ONDH and the national Human Rights Ombudsman. The new National Consultative Commission for the Protection and Promotion of Human Rights was formally established in October 2001. The Commission is made up of 45 members, 22 of whom belong to governmental bodies and 23 of whom come from civil society and NGOs. The nongovernmental members include representatives of Islamic religious organizations, the Red Crescent Society, and women's rights advocacy groups. The President approves nominees, and the Commission's budget and secretariat (which the Government says will be "independent") come from his office. The Commission reports on human rights issues, coordinates with police and justice officials, advocates domestic and international human rights causes, mediates between the Government and the population, and providing expertise on human rights issues to the Government. Domestic NGOs must be licensed by the Government and are prohibited from receiving funding from abroad, although they may receive in-kind donations. Some unlicensed NGOs operated openly.

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

The Constitution prohibits discrimination based on birth, race, sex, belief, or any other personal or social condition; however, women continued to face legal and social discrimination.

Women.—Women's rights advocates assert that spousal abuse was common, but there were no reliable statistics regarding its extent. Spousal abuse was more frequent in rural than urban areas and among less-educated persons. There are no specific laws against spousal rape. Rape is illegal, and in principle a spouse could be charged under the law. However, there are strong societal pressures against a woman seeking legal redress against her spouse for rape, and were no reports of the law being applied in such cases. Battered women must obtain medical certification of the physical effects of an assault before they lodge a complaint with the police. However, because of societal pressures, women frequently were reluctant to endure this process. There were few facilities offering safe haven for abused women. Two prominent associations for women that have received recognition by the Government and international community in the country are SOS Femme en Detresse and SOS Femme Batus. Women's rights groups experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. There were several rape-crisis centers run by women's groups, but they had few resources.

During the year, extremists sometimes specifically targeted women. There were incidents of women and girls being kidnaped by terrorist groups for the purposes of rape and servitude during the year. One rape crisis center specializes in caring for women who are victims of rape by terrorists (*see* Sections 1.b., 6.c., and 6.f.). In July 2001, a group of young men raided a shantytown area near the oil town of Hassi- Messaoud, raping and seriously wounding dozens of single women who lived

there. The violence was incited by an imam who accused the women of prostitution and questioned why they were working while men in the town were unemployed.

Also in July a similar attack took place in the area of Tebessa, a trading center east of Algiers. Trials were held for both incidents this year, with prison sentences meted out in each case.

Prostitution for economic reasons was a growing problem, despite being prohibited by law.

A cabinet level position for the Female Condition and Family was established during the year. However, no changes were made in the family code. Some aspects of the law and many traditional social practices discriminated against women. The 1984 Family Code, which was based in large part on Shari'a, treated women as minors under the legal guardianship of a husband or male relative. Under the family code Muslim women are prevented from marrying non-Muslims, although this regulation was not always enforced. The code does not restrict Muslim men from marrying non-Muslim women. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion. Divorce was difficult for a wife to obtain except in cases of abandonment or the husband's conviction for a serious crime. Husbands generally obtained the right to the family's home in the case of divorce. Custody of the children normally is awarded to the mother, but she may not enroll them in a particular school or take them out of the country without the father's authorization. Only males are able to confer citizenship on their children. Muslim women are prohibited from marrying non-Muslims; Muslim men may marry non-Muslim women.

The Family Code also affirmed the Islamic practice of allowing a man to marry up to four wives, although this rarely occurs in practice. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

Women suffered from discrimination in inheritance claims; in accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women did not always have exclusive control over assets that they bring to a marriage or income that they earn themselves. Married females under 19 years of age may not travel abroad without their husbands' permission (*see* Section 2.d.). Women may take out business loans and use their own financial resources.

In its 2000 report, the International Labor Organization (ILO) Committee of Experts (COE) noted that the Government stated that, despite equality between men and women in law and regulation, in practice women still were confronted with discrimination in employment resulting from societal stereotypes. Leaders of women's organizations reported that discriminatory violations were common. Labor Ministry inspectors did little to enforce the law.

Social pressure against women pursuing higher education or a career was much stronger in rural areas than in major urban areas. Over the past 2 years, women made up more than half of the university student population. Women constituted only 10 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue careers similar to men's careers. About 25 percent of judges were women, a percentage that has been growing in recent years. President Bouteflika's changes to the judiciary in 2001 increased the number of courts headed by women. Whereas women previously only headed a few courts, women at year's end headed 26 (*see* Section 1.e.).

There were numerous women's rights groups, although the size of individual groups was small. Their main goals were to foster women's economic welfare and to amend aspects of the Family Code.

Children.—The Government provides free education for children through the university system. More than 85 percent of children completed the ninth grade. Boys and girls generally received the same treatment in education, although girls were slightly more likely to drop out for financial reasons in rural areas. The girls were then sent to vocational training schools deemed more practical for their economic situation.

The Government provided free medical care for all citizens-albeit in often rudimentary facilities. The Ministry of Youth and Sports had programs for children, but such programs faced serious funding problem.

Child abuse was a problem. However, a system for reporting actual or suspected child abuse existed nationwide in the country's school systems. Hospitals treat numerous child-abuse cases every year, but many cases go unreported. Laws against child abuse have not led to notable numbers of prosecutions. NGOs that specialized in care of children cited an increase in domestic violence aimed at children, which

they attributed to the "culture of violence" developed during the years since 1992 and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Children often were the victims of terrorist attacks.

Economic necessity compelled many children to resort to informal employment, such as street vending (*see* Section 6.d.).

Persons with Disabilities.—The Government did not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing the work force, generally ignored a law that requires that they reserve 1 percent of their jobs for persons with disabilities. Social security provided for payments for orthopedic equipment, and some NGOs received limited government financial support.

National/Racial/Ethnic Minorities.—The Amazigh are an ethnic minority centered in the Kabylie region. Amazigh nationalists sought to maintain their own cultural and linguistic identity in the face of the Government's continued Arabization program. Despite a declaration by President Bouteflika in 1999 stating that Amazigh would never be a recognized language, in April the Government recognized Amazigh as a national language. The law requires that Arabic be the official language for use in official documents. Two government television stations had a regular news program in Amazigh, and one of the Government radio stations broadcasted entirely in that language. As part of the national charter signed in 1996, the Government and several major political parties agreed that the Amazigh culture and language were major political components of the country's identity. There were professorships in Amazigh culture at the University of Tizi Ouzou. Amazighs held influential positions in government, the army, business, and journalism.

The Tuaregs, a people of Amazigh origin, played an important role in politics despite their small numbers, particularly in the hydro-carbon rich South and along the border regions where they remained the dominant ethnic group.

Section 6. Worker Rights

a. The Right of Association.—Workers are required to obtain government approval to establish a union, and the Government may invalidate a union's legal status if its objectives are determined to be contrary to the established institutional system, public order, good morals or the laws or regulations in force. There were no legal restrictions on a worker's right to join a union.

About two-thirds of the labor force belonged to unions. There is an umbrella labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities, which dates from the era of a single political party. The UGTA encompasses national unions that are specialized by sector. There are also several autonomous unions.

The 1990 law on labor unions requires the Labor Ministry to approve a union application within 30 days. The Autonomous Unions Confederation (CSA) has attempted since early 1996 to organize the autonomous unions, but without success. The CSA continued to function without official status.

Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions (ICFTU). However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts were empowered to dissolve unions that engaged in illegal activities.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining for all unions, and the Government permitted this right in practice. The law prohibits discrimination by employers against union members and organizers, and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace.

Under states of emergency, on-going since the Government was empowered to require workers in both the public and private sectors to stay at their jobs in the event of an unauthorized or illegal strike. According to the 1990 Law on Industrial Relations, workers may strike only after 14 days of mandatory conciliation or mediation. The Government on occasion offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public sector service strikes.

Despite a law in effect requiring all public demonstrations, protests, and strikes to receive government authorization prior to commencement, "unauthorized" strikes and gatherings occurred throughout the year with retaliation by the Government or

security forces. The 2001 ban on marches in the capital of Algiers remained in effect.

During the year, the ILO Committee of Experts requested the Government to take steps through legislation to ensure that no provisions of Legislative Decree 92–03 were applied against workers peacefully exercising the right to strike. The decree defines as subversive acts, or acts of terrorism, offenses directed against the stability and normal functioning of institutions through any action taken with the intention of "obstructing the operation of establishments providing public service" or of "impeding traffic or freedom of movement in public places." The Government claimed that the Decree was not directed against the right to strike or the right to organize and has never been used against workers exercising the right to strike peacefully.

A 3-month nationwide strike for higher wages by university professors was resolved in September, having been preceded by a 2-day strike in February. A strike begun in May by the Federation of Educational Workers (FNTE) was not resolved by year's end. On October 22, health sector workers protested poor working conditions and insufficient wages. The media reported on plans for strikes within the courts of the capital, strikes by labor unions, and further strikes within municipality buildings organized by the Arouch.

In October members of the Arouch Citizen's Movement organized strikes within municipal buildings to protest the arrest of Citizen Movement Members and supporters as they tried to monitor the trials of Kabylie detainees (*see* Section 1.a.). A "Youth Strike" ricocheted across the country throughout August and September protesting economic disenfranchisement and dwindling employment opportunities.

The Government established an export-processing zone in Jijel. Workers in the Export Processing Zone have the same rights as other workers in the country.

c. Prohibition of Forced or Bonded Labor.—Forced or bonded labor is incompatible with the Constitution's provisions on individual rights, and the Penal Code prohibits compulsory labor, including forced or bonded labor by children. While the Government generally enforced the ban effectively, armed terrorist groups reportedly kidnaped young women and girls, and held them captive for weeks at a time, during which group members raped them and forced them into servitude (*see* Sections 1.b., 5, and 6.f.).

The ILO's Committee of Experts noted in 2000 that the law that requires persons who have completed a course of higher education or training to perform a period of service of between 2 and 4 years in order to obtain employment or work in an occupation, was not compatible with relevant ILO conventions dealing with forced labor. The Committee stated that it had been urging the Government for many years to cease imposing prison labor to rehabilitate persons convicted for expressing certain political views.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. Inspectors from the Ministry of Labor supposedly enforced the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They did not enforce the law effectively in the agricultural or private sectors. UNICEF reported in October 2001 that approximately 5 percent of children worked in some capacity. There was no child labor reported in the industrial sector; however, economic necessity compelled many children to resort to informal employment (*see* Section 5).

e. Acceptable Conditions of Work.—The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The Government fixed by decree a monthly minimum wage for all sectors; however, this was not sufficient to provide a decent standard of living for a worker and family. The minimum wage was approximately $105 (8,000 dinars) per month. Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, their enforcement was inconsistent.

The standard workweek was 37.5 hours. Workers who worked beyond the standard workweek received premium pay on a sliding scale from "time and a half" to "double time," depending on whether the overtime was worked on a normal work day, a weekend, or a holiday.

There were well-developed occupation and health regulations codified in the law, but government inspectors did not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment generally was based on very detailed contracts, workers rarely were subjected to conditions in the workplace about which they were not previously informed. If workers were subjected to such conditions, they first could attempt to renegotiate the employment contract and, that failing,

resort to the courts. The high demand for employment in the country, however, gave the advantage to employers seeking to exploit employees.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons. There were incidents of women and girls being kidnaped by terrorist groups for the purposes of rape and servitude during the year (*see* Sections 1.b., 5, and 6.c.).

BAHRAIN

On February 14, the country became a monarchy with a Constitution that reinstated a legislative body, one of whose chambers is elected. The new Constitution also confirmed the King as hereditary ruler and strengthened royal executive authority. According to the National Action Charter, the King is the head of the three branches of government: the executive, legislative, and judicial. The Constitution gives the elected Council of Deputies a role in considering legislation, but most legislative authority still resides with the King and he appoints members of the Shura (Consultative) Council. The King chairs the Higher Judicial Council.

The Al-Khalifa extended family has ruled the country since the late 18th century and continued to dominate all facets of its society and government. The King, Shaikh Hamad Bin Isa Al-Khalifa, governs the country with the assistance of his uncle, the Prime Minister; his son, the Crown Prince; and an appointed cabinet of ministers. Members of the Al-Khalifa family hold 9 out of 24 cabinet positions, including all "strategic ministries." The partially elected National Assembly consists of a Council of Deputies and an appointed Consultative Council. The courts were subject to government pressure and occasional accusations of corruption, and there have been very few instances of people trying to bring cases against the Government. However, the courts have ruled against the Government in the past.

Citizens belong to the Shi'a and Sunni sects of Islam, with the Shi'a constituting approximately two-thirds of the indigenous population. However, Sunnis predominate politically and economically because the ruling family is Sunni and is supported by the armed forces, the security services, and influential Sunni and Shi'a merchant families who benefit from a relatively open economy under the Al-Khalifas. Apart from violent demonstrations in April, there were few incidents of political unrest and there has not been prolonged unrest since 1996. In May slightly more than half of the country's eligible voters, both men and women, participated in the first elections in more than a quarter of a century, electing members of municipal councils and, in October, electing 40 members of the Council of Deputies.

The Ministry of Interior was responsible for public security. It controlled the public security force (police) and the extensive security service, which were responsible for maintaining internal order. The Bahrain Defense Force (BDF) was responsible for defending against external threats. It also monitored the internal security situation. The security forces committed a few serious human rights abuses during the year.

The country has a population of approximately 650,000, an estimated one-third of whom are noncitizens, many of whom are Asian workers. It has a mixed economy, is a regional financial and business center, and depends on tourism from Saudi Arabia.

The Government generally respected the human rights of its citizens in a number of areas and improved significantly in other areas, particularly concerning respect for political rights; however, its record remained poor in other areas, particularly with respect to impunity of government officials and the independence of the judiciary. The Government denied citizens the right to change their government; however, the election of the Council of Deputies should be a significant step forward in improving citizens' ability to effect change in their government.

All remaining political prisoners were freed and all exiles officially allowed to return in 2001. Although more than 1000 persons still faced problems obtaining proper documentation during the year, the Government managed to resolve these problems and issued the appropriate documents by the end of the year. The Government also assisted in the return of approximately 300 persons that had been forced into exile in the past decades.

Impunity remained a problem, and there were no known instances of security forces personnel being punished for abuses of authority committed during the year or in the past; however, according to the Interior Ministry, its Disciplinary Court convicted a total of 25 police officers during the year and in 2001 for criminal activities. Some were incarcerated. The Interior Ministry also referred 77 additional cases to the Ministry of Justice for prosecution. Under the new Constitution, the judiciary is nominally independent, but it still remained subject to government pressure. The

press published credible allegations that some judges were corrupt. The Government continued to infringe to some extent on citizens' privacy rights.

The Government imposed some restrictions on the freedoms of speech and the press, and restricted freedoms of assembly and association. These restrictions increased during the first half of the year. The founding of the country's first independent newspaper in September marked an improvement for freedom of the press. The Government also imposed some limits on freedom of religion and freedom of movement. In July the Government registered the Bahrain Center for Human Rights, the country's second human rights NGO. Violence against women and discrimination based on sex, religion, and ethnicity remained problems. The promulgation in September of a law on unions, which gave workers for the first time the right to organize and bargain collectively, was a significant improvement in the rights of workers. This and other legislation also improved the legal status of foreign workers. Abuse of foreign workers occurred, including numerous instances of forced labor and some instances of trafficking. Bahrain was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings. However, authorities used rubber bullets to disperse a demonstration resulting in the death of a demonstrator. The Government established a committee to investigate the incident, but the committee had not presented evidence or reached conclusions at year's end (*see* Section 2.b.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were some reports of police abuse of civilians during the year. On April 5, during demonstrations near a diplomatic mission, in an effort to disperse a violent demonstration, riot police struck a citizen with a rubber projectile, resulting in his death (*see* Section 2.b.).

During demonstrations on April 10, police beat a human rights activist who had asked them to stop beating a prostrate demonstrator. The Undersecretary of the Interior promised to investigate the incident and punish the officers responsible. In October the Ministry of Interior reportedly concluded that the incident was the "natural result" of interfering with police work. The process leading to this conclusion was not disclosed. There were no indications that any officers were punished.

In May Department of Military Intelligence (DMI) officers reportedly kidnaped Jassim Ahmed Salman and beat him for 2 hours in retaliation for Salman's participation in an assault on a DMI officer during a small demonstration in May near a diplomatic mission. There were no reports that the Government investigated this case or punished those involved (see 1.d.).

On December 11, lawyers for eight citizens made allegations against former Colonel Adil Jassim Flaifel for routinely engaging in torture and ill-treatment of prisoners. According to Amnesty International (AI), the general prosecutor in the Legal Affairs Bureau did not acknowledge receipt of the complaint. He asserted that the general amnesty issued by the King in February 2001 and reaffirmed in October applied to government employees as well as regular citizens.

In 2001 two Shi'a men reported that the police detained and beat them. Although one of the men admittedly sought the confrontation with the police, the police illegally arrested them without a court-issued warrant (*see* Section 1.d.).

In the past, there were credible reports that prisoners often were tortured and subjected to cruel, inhuman, or degrading treatment. Before the annulment of the State Security Act in February 2001, the Government had difficulty in rebutting allegations of torture and of other cruel, inhuman, or degrading practices because it permitted incommunicado detention and detention without trial. There continued to be credible reports of prisoners being beaten and mishandled. Government officials and human rights activists stated that these practices resulted more from poor police training and lax supervision rather than from a systematic, extrajudicial effort to punish suspects. There continued to be no known instances of officials being punished for human rights abuses committed either during the year or in any previous year.

There were no allegations that security forces threatened female detainees with rape or inflicted other forms of sexual abuse and harassment on them while they were in custody.

The prisons generally met international standards. Women prisoners were housed separately from men, and juveniles were housed separately until the age of 15. The last visit of the International Committee of the Red Cross (ICRC) to monitor prisons was in 2001, when the last of the country's political prisoners were freed.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution states that "no person shall be arrested, detained, imprisoned, searched or compelled to reside in a specified place except in accordance with the provisions of the law and under the supervision of the judicial authorities." The authorities generally observed these provisions in practice, although there was a report of a case where security officials detained a citizen without a legal warrant. In May DMI officers allegedly detained and beat Jassim Ahmed Salman (*see* Section 1.c.).

In another incident in December 2001, which was reported to the police in January, two Shi'a youths said they had been held by police for 2 days without being charged. The victims were released within the 48-hour time period that the law allows police to hold suspects without a court order. There were no reports of government investigations into these incidents (*see* Section 1.c.).

Since the 2001 abolition of the State Security Act, courts refused police requests to detain suspects longer than 48 hours, and the police complied with court orders to release suspects. Judges may grant bail to a suspect. However, attorneys still require a court order to visit detainees in jail.

The Ministry of Justice is responsible for public prosecutors, while the Ministry of Interior oversees the police and all aspects of prison administration. Access to attorneys was restricted; in the early stages of detention, prisoners and their attorneys must seek a court order to be able to meet. Prisoners may receive visits from family members, usually once a month.

The Constitution prohibits forced exile, and there were no reports of new cases of forced exile during the year. All remaining political prisoners were freed, and all exiles officially allowed to return in 2001. Although more than 1000 persons in the country faced problems obtaining proper citizenship documentation during the year, the Government managed to resolve these problems and issued the appropriate documents by the end of the year. The Government also assisted in the return of some 300 persons that had been forced into exile in the past decades (*see* Sections 4 and 5).

The Constitution prohibits stripping a person of nationality except in cases of treason and other such cases as prescribed by the law. In the past, the Government revoked the citizenship of persons whom it considered to be security threats. There were no reports of such actions during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary was not independent, and courts were subject to government pressure regarding verdicts, sentencing, and appeals. In past cases, the King, the Prime Minister, and other senior government officials lost civil cases brought against them by private citizens; however, the court-ordered judgments were not always implemented expeditiously. Members of the ruling Al-Khalifa family were well represented in the judiciary and generally did not recuse themselves from cases involving the interests of the Government.

According to the new Constitution, the King appoints all judges by Royal Decree. Once appointed, judges are civil servants who may work for the Government until the mandatory age of retirement (60 years). The King also serves as chairman of the Supreme Judicial Council, the body responsible for supervising the work of the courts and the Public Prosecution office. The Constitution does not provide a legislative branch confirmation process for judicial appointees nor does it establish an impeachment process. Article 106 provides for the establishment of a Constitutional Court to rule on the constitutionality of laws and statutes. The King appoints all judges of this special court by Royal Decree. They serve 9-year terms and cannot be removed before their terms expire. The King may present draft laws to this court before their implementation to determine the extent of their agreement with the Constitution, providing rudimentary judicial review. The Court's determination is "binding on all state authorities and on everyone."

The civil and criminal legal systems consisted of a complex mix of courts, based on diverse legal sources, including Sunni and Shi'a Shari'a (Islamic law), tribal law, and other civil codes and regulations. The King's annulment of the 1974 State Security Act abolished its separate, closed security court system, which had jurisdiction in cases of alleged antigovernment activity.

The BDF maintained a separate court system for military personnel accused of offenses under the Military Code of Justice. The Ministry of Interior had a similar system for trying police officials. Neither court reviewed cases involving civilian, criminal, or security offenses.

Defendants may choose their own attorneys. If they are unable to afford a private attorney, defendants may ask the Justice Ministry to appoint an attorney to represent them in court. In the past, some attorneys and family members involved in politically sensitive criminal cases claimed that the Government interfered with court proceedings to influence the outcome or to prevent judgments from being carried out; however, there were no such reports during the year. There were allegations of corruption in the judicial system.

Civil or criminal trial procedures provided for an open trial, the right to counsel (with legal aid available when necessary), and the right to appeal. Criminal court proceedings generally did not appear to discriminate against women, children, or minority groups. Prior to the annulment of the State Security Act in February 2001, there was credible evidence that persons accused of anti-government crimes who were tried in the criminal courts were denied fair trials. Such trials were held in secret, and the defendants were not permitted to speak with an attorney until their appearance before the judge at the preliminary hearing. The annulment of the State Security Act also abolished the State Security Court, which had tried security cases in secret.

There were no reports of political prisoners during the year. In mid-February 2001, the King pardoned and released all political prisoners and detainees. Until that time, the Government held in detention hundreds of Shi'a for offenses involving "national security." In accordance with tradition, the Government releases and grants amnesty to some prisoners on major holidays.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for freedom from arbitrary interference with privacy, home, and correspondence except under the provisions of law and under judicial supervision. Nonetheless, the Government continued to infringe on citizens' right to privacy, although such reports declined significantly during the year. The Government continued to carry out some illegal searches. Telephone calls and personal correspondence remained subject to monitoring. Police informer networks were extensive and sophisticated.

There were no reports during the year of security forces setting up checkpoints at the entrances to villages, conducting vehicle searches, and requiring proof of identity from anyone seeking to enter or exit. A government-controlled proxy prohibited user access to Internet sites considered to be antigovernment or anti-Islamic, but these restrictions were often circumvented (*see* Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The new Constitution provides for the right to express and publish opinions "under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused." In practice, the Government limited this right, particularly in the media. However, the establishment of an independent newspaper in September helped expand the freedom of the press.

Local press coverage and commentary on international issues was open, and discussion of local economic and commercial issues also was relatively unrestricted. Representatives from the Information Ministry actively monitored and blocked local stories on sensitive matters, especially those fostering sectarianism or criticizing the royal family, and journalists practiced self-censorship. The new independent Arabic daily Al-Wasat's coverage that criticized some government policies and actions encouraged other papers to attempt to improve their coverage on these matters. Al-Wasat's introduction, and the competition it engendered with the established press, improved the press climate noticeably.

Throughout the year, press censorship on sensitive issues was more apparent than in 2001, but the press remained more open than before the reforms of 2000. Since 2000, the press covered controversial issues such as criticism of government policies, discussion of sectarian issues, unemployment, and housing more freely than before. However, criticism of the ruling family and the Saudi ruling family and fostering sectarian divisions remained largely prohibited.

In January the "Emergency Matters Court" overturned the Information Ministry's October 2001 decision to ban the publications of Hafidh Al-Shaikh, a frequent columnist in local newspapers. The Information Ministry accused Al-Shaikh of fostering sectarian divisions in society, but Al-Shaikh and others claimed that an article he published in a Lebanese newspaper criticizing the country's Crown Prince was the reason for this banning. The Government chose not to appeal the court's decision and Al-Shaikh continued to write and publish.

The decision by four political societies to boycott the October 24 legislative election did not appear in any of the local papers while London-based Al-Hayat, avail-

able at newsstands throughout the country, gave the story front-page coverage. When the story did appear in the local newspapers days later, coverage of the decision and its announcement at a press conference was pale and conveyed a strong progovernment slant. However, by October political discussion of the boycott was extensive in Al-Wasat.

In November local media received instructions to avoid commenting on the alleged human rights abuses of a former security official, Adel Jassim Flaifel, who had fled the country because of alleged financial misdeeds. However, some journalists published general statements about these allegations. Many articles discussed the lawsuits connected with Flaifel's alleged financial misdeeds in the country and in Australia. By December there was detailed reporting on specific allegations of human rights abuses by Flaifel (*see* Section 1.c.).

In November the Government issued Royal Decree number 47, a new law governing the press. Article 1 of the new law states: "Everyone has the right to express his views and to publish them." The rest of the law, which consists of 24 pages and 96 articles, devotes itself largely to placing restrictions on these "rights." Other articles allow prison sentences for three general categories of offenses: criticizing the State's official religion, criticizing the King, and inciting actions that undermine state security. In addition, the law allows fines up to $5,300 (BD 2,000) for 14 other offenses, including publishing statements issued by a foreign state or organization before obtaining the consent of the Minister of Information, any news reports which may adversely affect the value of the national currency, any offense against a head of state maintaining diplomatic relations with the country, or offensive remarks towards an accredited representative of a foreign country because of acts connected with his post.

The exact legal status of this law was unclear. All newspapers ran articles and editorials criticizing the law, and 1 week after its issuance, the Prime Minister declared the law "frozen," and ordered that the Cabinet review the law. This created some confusion, as the term "frozen" is not defined under law, and it was not entirely clear if this law was being applied. There were reports that two journalists were suspended for 7 to 10 days in December, but it was not apparent if these punishments were handed out under the authority of the new press law.

Persons expressed critical opinions openly regarding some domestic political and social issues in private settings and occasionally on state-run television call-in shows and increasingly in organized public forums. They did not criticize leading government officials. However, public demonstrations increased over issues of family status law, violations of zoning, and human rights abuses. These were covered in the print media but not on government-owned television.

The Election Law promulgated in July regulated candidates' political activities, prohibiting speeches at most public locations and limiting the areas where campaign materials could be placed. However, these regulations were only sporadically enforced (see 2.b.).

The Information Ministry controlled local broadcast media and exercised considerable control over local print media, except Al-Wasat, even though newspapers were privately owned. The Government generally afforded foreign journalists access to the country and did not limit their contacts. However, the Government continued to ban correspondents from the Qatar-based television Al-Jazeera, accusing the station of using sensationalized and one-sided coverage to project unfairly a negative image of the Government.

The Bahrain Journalists' Association, formed in 2000, had a preponderance of government employees from the Information Ministry and was not an independent organization protecting journalists' rights and interests.

The Government owned and operated all local radio and television stations. Radio and television broadcasts in Arabic and Farsi from neighboring countries and Egypt were received without interference. Government approval to access satellite dishes and to import or install dishes no longer was required. The Qatar-based television station Al-Jazeera was available in the country via satellite. Except for the banning of Al-Jazeera's correspondents, there were no complaints by international news services regarding press restrictions.

Access to the Internet was provided through the National Telephone Company (BATELCO). E-mail use was unimpeded, although it was subject to monitoring (*see* Section 1.f.). Approximately 235,000 residents of the country, slightly more than one-third of the population, used the Internet.

Although there were no formal regulations limiting academic freedom, in practice academics avoided contentious political issues and the university did not have a political science program. University hiring and admissions policies favored Sunnis and others who were presumed to support the Government, rather than focusing on professional experience and academic qualifications. However, there continued to be

some improvement in the hiring of qualified individuals in a nondiscriminatory manner during the year, and a few Shi'a professors, including women, were hired. Larger numbers of Shi'a students were accepted into the national university, but this was still a smaller proportion than in the general population.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of free assembly; however, the Government restricted its exercise by requiring that organizers of public events acquire permits, which were not granted in a routine fashion. The law prohibits unauthorized public gatherings of more than five persons. The Government periodically limited and controlled gatherings that might take on a political tone.

From the passage of the National Action Charter in February 2001 until July, gatherings at social and political clubs for political discussions were held regularly and without any obvious obstruction by the Government. However, the Political Rights Law promulgated in July had a negative effect on the freedoms of speech and association (*see* Section 2.a.). The law, intended to regulate election campaigns, prohibits "election meetings" at worship centers, universities, schools, government buildings, and public institutions. After this law's promulgation, the occurrence of public meetings declined precipitously, and they received little coverage in the local press. One leader of a popular public forum reported that he had been told by a high-level government official to reduce the attendance at meetings and make them "less political."

Demonstrations occurred throughout the year, not all of which were approved by the Government. Unless violent, the Government generally did not intervene. On January 7, police dispersed an unauthorized demonstration of 200 youths who were protesting unemployment in the country. When demonstrators ignored police requests to avoid illegal behavior and began blocking traffic, riot police used tear gas to disperse the demonstration and arrested nine persons.

Initially peaceful demonstrations of 2,000 to 3,000 persons on April 5 turned into an assault on the U.S. Embassy in which 1 citizen was killed by local security forces (*see* Section 1.a. and 1.c.). Emerging from a scheduled, peaceful protest, a well-organized group of 200–300 youths used firebombs, cinder blocks, and slings with metal shot to attack the embassy, endangering embassy personnel and destroying property. After an initially hesitant response, local riot police used tear gas and fired 38mm flexible rubber batons, not rubber-coated steel bullets, to disperse the attackers. One of the rubber projectiles struck a citizen in the head, and he died of his injuries 2 days later. Following the incident, the Government announced the establishment of a committee to investigate, but there has been no public presentation of evidence or conclusions (see 1.a. and 1.c.).

A violent pro-Palestinian demonstration on April 10 directed towards a diplomatic mission resulted in 60 casualties and 500 persons being hospitalized when security forces used tear gas and rubber bullets to disperse the crowd.

The Constitution provides for the right of free association; however, the Government limited this right in practice, for example, by prohibiting political parties. The Government allowed political societies to run candidates and support them financially. On September 24, the Government took steps to improve significantly the right of association for workers by granting them, for the first time, the right to form trade unions.

During the last 2 years, the Government authorized several NGOs to conduct political activities related to the organizations' purposes, including two human rights organizations. Previously, only the Bahraini Bar Association was exempt from the regulations that require that the charters of all associations include a commitment to refrain from political activity.

c. Freedom of Religion.—The Constitution states that Islam is the official religion and also provides for freedom of religion; however, there were some limits on this right. Thirteen Christian congregations registered with the Ministry of Labor operated freely and allowed other Christian congregations to use their facilities. Other unregistered Christian congregations likely existed, and there was no attempt by the Government to force them to register. There was also a Jewish synagogue and a Hindu temple. The Government subjected both Sunni and Shi'a Muslims to control and monitoring. Members of other religions who practice their faith privately did so without interference from the Government. Every religious group must obtain a permit from the Ministry of Justice and Islamic affairs in order to operate. Depending on circumstances, a religious group may also need approvals from the Ministry of Labor and Social Affairs, the Ministry of Information, and/or the Ministry of Education (if the religious group wants to run a school).

The Government funded, monitored, and subjected all official religious institutions to some controls. These include Shi'a and Sunni mosques, Shi'a ma'tams (religious

community centers), Shi'a and Sunni waqfs (charitable foundations), and the religious courts, which represent both the Ja'afari (Shi'a) and Maliki (one of the four Sunni) schools of Islamic jurisprudence. Holding a religious meeting without a permit is illegal. There were no reports of religious groups being denied a permit. At least one religious event was held without a permit, but the Government took no action against the event's sponsor. In October the press reported that a school emphasizing a Shi'a curriculum was established for the first time in the country.

The Government rarely interferes with what it considers legitimate religious observations. The Political Rights Law promulgated in July forbids election speeches in worship centers, but political sermons continued, and there were no reports of the Government closing ma'tams or mosques because of the content of religious services held there (*see* Section 2.a. and 2.b.). In the past, the Government actively suppressed activity deemed overtly political in nature, occasionally closing mosques and ma'tams for allowing political demonstrations to take place on or near their premises and detaining religious leaders for delivering political sermons or for allowing such sermons to be delivered in their mosques. There were no reported closures of ma'tams or mosques during the year. The Government also may appropriate or withhold funding in order to reward or punish particular individuals or places of worship. There were no reports of the Government withholding funding or closing religious facilities during the year.

Although there were notable exceptions, the Sunni Muslim minority enjoyed a favored status. Members of the royal family are Sunnis, and Sunnis received preference for employment in sensitive government positions and in the managerial ranks of the civil service. Public religious events, most notably the large annual Ashura marches by Shi'a, were permitted but were monitored closely by the police. The Shi'a celebration of Ashura is a 2-day national holiday in the country, and the King ordered the Ministry of Information to provide full media coverage of Ashura events. There were no restrictions on the number of citizens permitted to make pilgrimages to Shi'a shrines and holy sites in Iran, Iraq, and Syria. The Government monitored travel to Iran and scrutinized carefully those who choose to pursue religious study there.

The Government discourages proselytizing by non-Muslims and prohibits anti-Islamic writings. However, Bibles and other Christian publications were displayed and sold openly in local bookstores. Some small groups worshiped in their homes. Religious tracts of all branches of Islam, cassettes of sermons delivered by Muslim preachers from other countries, and publications of other religions readily were available.

One reported instance of societal violence against a minority religion's property occurred during the year. On May 15, 70 graves at the St. Christopher's Church cemetery were desecrated. The King promised not only to restore the graveyard, but to transform it into a monument to the country's history of Christian-Muslim relations. There were no reports of the results of the investigation into this incident.

While the defense and internal security forces predominantly were Sunni, Shi'a citizens were allowed to hold posts in these forces; however, they did not hold positions of significance. In the private sector, Shi'a citizens tended to be employed in lower paid, less skilled jobs. In private conversations, Shi'a consistently complained of discrimination, especially in receiving public sector jobs and slots at the university. While Shi'a acknowledged that the situation was improving slowly, they still made up a disproportionately high percentage of the country's unemployed. Public discussion of this issue remained taboo and any reference to Shi'a complaints in the press were indirect.

Educational, social, and municipal services in most Shi'a neighborhoods, particularly in villages, were inferior to those found in Sunni urban communities, despite government initiatives beginning to address the problem.

For a more detailed discussion, see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution prohibits restrictions on freedom of movement, except as provided by law and judicial supervision. Banishment is prohibited, as is prevention of return. Bahraini passports were valid for travel to all countries.

Citizens were free to move within the country and change their place of residence or work. Although more than 1,000 persons in the country faced problems obtaining proper citizenship documentation during the year, the Government resolved these problems and issued the appropriate documents by the end of the year. The Government also assisted in the return of some 300 persons that had been forced into exile in the past decades. The Government occasionally grants citizenship to Sunni residents, most of whom are from Jordan, the Arabian Peninsula, and Egypt. This practice was controversial, and several of the candidates for the October legislative elec-

tions campaigned publicly against this practice, calling it "random naturalization." The Government did not publish the numbers of Sunnis and Shi'a it naturalized during the year, making it difficult to evaluate these charges.

Under the 1963 Citizenship Law, the Government may reject applications to obtain or renew passports for reasonable cause, but the applicant has the right to appeal such decisions before the High Civil Court. The Government also issued temporary passports, valid for one trip per year, to persons whose travel it wished to control or whose claim to citizenship was questionable. A noncitizen resident may obtain a travel document, usually valid for 2 years and renewable at the country's embassies overseas. The holder of a travel document also required a visa to reenter the country.

The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR), although it has not formulated a formal policy regarding refugees, asylees, or first asylum. The Government usually does not accept refugees due to the country's small size and limited resources. However, there were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens do not have the right to change their government or their political system; however, the Constitution provided for the first democratically elected political institution since the dissolution of the National Assembly in 1975. On February 14, the country became a monarchy with a constitution. Elections for the newly established Council of Deputies took place on October 24. The King appoints the Prime Minister, who then proposes Cabinet Ministers that are appointed by the King. Members of the ruling family hold all security-related offices.

In February 2001, an overwhelming majority of eligible citizens (98.4 percent), both male and female, endorsed a government plan called the National Action Charter, to restore constitutional rule. The Constitution was drafted in secret and delivered to the people as a royal grant in February.

In May the country's voters elected municipal councils in the first election among the Arab Gulf states that allowed men and women to participate as both voters and candidates. These councils have authority to allocate resources in their jurisdiction for local services. Funding comes from taxes collected by the Ministry of Municipalities and the Environment. These councils began meeting in September, but their role is still being defined.

The 40 elected members of the Representative Council shared legislative powers with the King and with the 40 members of the Shura Council appointed by the King. Collectively, the two chambers are known as the National Assembly. Either chamber may propose legislation, but the Cabinet's Office of Legal Affairs must draft the actual text of laws. The King may veto laws passed by the National Assembly, which may override a veto by a two-thirds majority vote. If the legislature overrides a veto, the King must promulgate the law within 1 month. The King may dissolve the Representative Council at his discretion, and he retains the power to amend the Constitution and propose, ratify, and promulgate laws. Either council may question government ministers and the Representative Council may pass by a two-thirds majority votes of no confidence that require the minister's resignation. The Representative Council may also introduce a resolution indicating it cannot cooperate with the Prime Minister. The entire National Assembly would then have to pass the resolution by a two-thirds majority that would require the King to either dismiss the Prime Minister or dissolve the Council of Deputies.

The Political Rights and Election Laws promulgated in July placed restrictions on the freedoms of speech and association (*see* Sections 2.a. and 2.b.). There were no political parties. The Government drew the electoral districts in both the municipal council and the legislative elections to protect Sunni interests by creating several districts with small populations likely to elect a Sunni candidate. In contrast, districts where a Shi'a candidate was likely to win were drawn to include large numbers of voters, a formula that diluted the voting strength of the Shi'a community. International observers commented that this gerrymandering generally violated the one-man one-vote principle common to most democracies. They also observed that candidates were not allowed to visually observe ballot counting and that there was an incomplete reporting of election results during the election process.

The country held its first elections in nearly 3 decades during the year. In May voters elected municipal councils. In October slightly more than half of eligible voters elected 40 members to the Representative Council. The largest political society, joined by three other smaller societies, chose not to participate in the October elections, citing grievances over the Constitution, especially the provisions that equalize the powers of the elected Council of Deputies and the appointed Shura Council.

There were no government candidates. Informed observers reported that the election campaigning and voting was substantially free and fair.

Although women candidates stood in both elections, none were elected to office. However, in the October elections, two women forced their competitors into runoffs in which each woman received more than 40 percent of the vote. The King appointed six women to the Shura Council. There were no women at the ministerial levels of government. The majority of women who chose to work in the Government did so in a support capacity, and only a few attained senior positions within their respective ministries or agencies. Women may vote and run for elected office. Although no women were elected in either the municipal or legislative elections, the Constitution provides for the right of women to participate and was a consistent refrain in the public statements of both the King and the Crown Prince. Turnout for municipal councils elections in May was approximately 51 percent; just over 52 percent of the voters who turned out for those elections were women. Turnout for the October election was just over 53 percent, according to government figures; the Government did not publish the number of women voters.

The King appointed one Christian and one Jewish member to the Shura Council. Twenty-one Shura Council members were Shi'a Muslims and 17 were Sunni. Approximately one-third of the cabinet ministers were Shi'a.

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

Restrictions on freedom of association and expression sometimes hindered investigation or public criticism of the Government's human rights policies. Over 300 NGOs have been registered, helping to facilitate the growth of civil societies and public discourse. The largest proportion were devoted to charitable activities. Some NGOs dealt with concerns of expatriates and others focused on women's issues. There was a human rights component in much of their efforts. Members of these groups met with government officials and the Government has responded on some issues, most notably on exilees and the situation of the stateless bidoons (*see* Section 1.d.).

Most, if not all, of the members of the Damascus-based Committee for the Defense of Human Rights in Bahrain and the Copenhagen-based Bahrain Human Rights Organization have returned to the country since the 2001 referendum on the National Action Charter. The London-based Bahrain Freedom Movement and the Beirut-based Islamic Front for the Liberation of Bahrain remained active outside the country, but Bahrain Freedom Movement leader Dr. Mansur Al-Jamry returned to the country in December 2001 and established an independent newspaper in September (*see* Section 2.a.). Previously, Bahrain Freedom Movement leader Dr. Majid Al-Alawi returned in January 2001 to become Assistant Secretary General for the Bahrain Center for Studies and Research, the country's only think tank. On November 11, Dr. Al-Alawi was named Minister of Labor and Social Affairs.

In recent years, the Government allowed increasing access of international human rights organizations. During the year, there were no reports of government harassment of these groups or their members. The U.N. High Commission for Human Rights visited the country in March and praised its democratic reforms, especially those guaranteeing women the right to vote and run for office. Officials from AI and Human Rights Watch visited in February.

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

The Constitution provides for equality, equal opportunity, and the right to medical care, welfare, education, property, capital, and work for all citizens. However, in practice these rights were protected unevenly, depending on the individual's social status, ethnicity, or sex.

Women.—Women's groups and health care professionals stated that spousal abuse was common, particularly in poorer communities. In general, there was little public attention to, or discussion of the problem. Incidents usually were kept within the family. No government policies or laws explicitly addressed violence against women. During the year, a few articles appeared in the local press discussing violence against women and the need for laws to defend women who are abused. There were very few known instances of women seeking legal redress for violence. Anecdotal evidence suggested that the courts were not receptive to such cases. Rape is illegal; however, because marital relations are governed by Shari'a law, spousal rape was not a legal concept within the law.

It was not uncommon for foreign women working as domestic workers to be beaten or sexually abused (*see* Sections 6.c. and 6.e.). Numerous cases were reported to local embassies and the police. However, most victims were too intimidated to sue

their employers. Courts reportedly allowed victims who do appear to sue for damages, return home, or both.

Although prostitution is illegal, some foreign women, including some who worked as hotel and restaurant staff, engaged in prostitution. (*see* Section 6.f.).

Conditions for women in the country improved during the year, and the Government played a leadership role in promoting the rights of women. The Government publicly encouraged women to work and was a leading employer of women, who constituted a significant percentage of the Government workforce and included university professors, public school teachers, and employees in the public health and social sectors. However, in 2001, approximately 17 percent of the total work force was female, and more than half of the female workers were noncitizens. NGOs working on women's issues were very active in encouraging women to vote and to run for office during the municipal council and parliamentary elections. Several of these NGOs were also active on social issues such as health and education, and provision of assistance to women and children, particularly the poor.

Shari'a governs the legal rights of women. Specific rights vary according to Shi'a or Sunni interpretations of Islamic law, as determined by the individual's faith, or by the court in which various contracts, including marriage, are made. Some women complained that Shari'a courts were biased against women, especially in divorce cases. In October a group of representatives of women's' societies filed complaints with the Minister of Justice and Islamic Affairs against several Shari'a judges, arguing that women were often treated unfairly in these courts. They also called for the issuance of a long-promised Personal Status Law that would more clearly define women's rights.

While both Shi'a and Sunni women have the right to initiate a divorce, religious courts may refuse the request. Although local religious courts may grant a divorce to Shi'a women in routine cases, occasionally Shi'a women seeking divorce under unusual circumstances must travel abroad to seek a higher ranking opinion than that available in the country. Women of either branch may own and inherit property and may represent themselves in all public and legal matters. In the absence of a direct male heir, Shi'a women may inherit all property. By contrast, in the absence of a direct male heir, Sunni women inherit only a portion as governed by Shari'a; the balance is divided among the brothers or male relatives of the deceased. In practice, better-educated families used wills and other legal maneuvers to ameliorate the negative impact of these rules.

In divorce cases, the courts routinely grant Shi'a and Sunni women custody of daughters under the age of 9 and sons under the age of 7, although custody usually reverts to the father once the children reach those ages. Regardless of custody decisions, in all circumstances, except for mental incapacitation, the father retains the right to make certain legal decisions for his children, such as guardianship of any property belonging to the child, until the child reaches legal age. A noncitizen woman automatically loses custody of her children if she divorces their citizen father. A Muslim woman legally may marry a non-Muslim man if the man converts to Islam. In such marriages, the children automatically are considered to be Muslim. Women may obtain passports and leave the country without the permission of the male head of the household. Women were free to work outside the home, to drive cars without escorts, and to wear clothing of their choice.

Women increasingly took jobs previously reserved for men and constituted approximately 17 percent of the workforce. Labor laws do not discriminate against women; however, in practice there was discrimination in the workplace, including inequality of wages and denial of opportunity for advancement. Sexual harassment is prohibited; however, it was a widespread problem for foreign women, especially those working as domestics and other low-level service jobs. The Government has encouraged the hiring of women, enacted special laws to promote their entry into the work force, and was a leading employer of women. Laws do not recognize the concept of equal pay for equal work, and women frequently were paid less than men. Generally women worked outside the home during the years between secondary school or university and marriage.

Women made up the majority of students at the country's universities, although some women complained that admissions policies at the National University aimed to increase the number of male students at the expense of qualified female applicants, especially Shi'a women.

There were a large number of women's organizations that sought to improve the status of women under both civil and Islamic law. Constitutional provisions granting women the right to vote and run for elected office were advances for women's rights. However, some women expressed the view that, despite their participation in the work force and their constitutional rights, in practice women's rights were not advancing significantly because of the influence of religious traditionalists.

Other women desired a return to more traditional values and supported calls for a return to traditional Islamic patterns of social behavior.

Children.—The Government has stated often its commitment to the protection of children's rights and welfare within the social and religious framework of society. It generally honored this commitment through enforcement of civil and criminal laws and an extensive social welfare network. Public education for citizen children below the age of 15 was free. While the Constitution provides for compulsory education at the primary levels (usually up to 12 or 13 years of age), the authorities did not enforce attendance. Limited medical services for infants and preadolescents were provided free of charge.

The social status of children is shaped by tradition and religion to a greater extent than by civil law. Child abuse was rare, as was public discussion of it; the preference of the authorities was to leave such matters within the purview of the family or religious groups. One case that drew public attention was that of a 13-year old girl who was reportedly abused by members of her family and then disappeared. According to local media, the case received attention at the highest levels of the Government, but despite the Prime Minister's public charge to the police to find her, she remained missing at year's end. The authorities actively enforced the laws against prostitution, including child prostitution, procuring, and pimping. Violators were dealt with harshly and may be imprisoned, or, if a noncitizen, deported. In the past, the authorities reportedly returned children arrested for prostitution and other nonpolitical crimes to their families rather than prosecute them, especially for first offenses. There were no reports of child prostitution during the year.

Some legal experts called on the Government to establish a separate juvenile court. However, other citizens insisted that the protection of children was a religious, not a secular, function and opposed greater government involvement. Independent and quasi-governmental organizations, such as the Bahraini Society for the Protection of Children and the Mother and Child Welfare Society, played an active part in protecting children by providing counseling, legal assistance, advice, and, in some cases, shelter and financial support to distressed children and families. The Child Care Home, funded from both government and private sources, provided shelter for children whose parents were unable to care for them.

There were very few reports of arrests and detentions of juveniles during the year, and those who were arrested reportedly were released soon thereafter.

Persons with Disabilities.—The law protects the rights of persons with disabilities and a variety of governmental, quasi-governmental, and religious institutions were mandated to support and protect persons with disabilities. The regional Center for the Treatment of the Blind was headquartered in the country, and a similar Center for the Education of Deaf Children was established in 1994. Society tended to view persons with disabilities as special cases in need of protection rather than as fully functioning members of society. Nonetheless, the Government is required by law to provide vocational training for persons with disabilities who wish to work, and maintains a list of certified, trained persons with disabilities.

The Labor Law of 1976 also requires that any employer of more than 100 persons must hire at least 2 percent of its employees from the Government's list of workers with disabilities; however, the Government did not monitor compliance. The Ministry of Labor and Social Affairs worked actively to place persons with disabilities in public sector jobs, such as in the public telephone exchanges. The Government's housing regulations require that access be provided to persons with disabilities. Greater emphasis has been given in recent years to public building design that incorporates access for persons with disabilities; however, the law does not mandate access to buildings for persons with disabilities.

National/Racial/Ethnic Minorities.—Most bidoon, a group of approximately 9,000 to 15,000 formerly stateless persons, mostly Shi'a of Persian-origin but including some Christians, were granted citizenship during 2001. During the year, the Government granted citizenship to the approximately 1,300 remaining bidoon (*see* Sections 1.d. and 2.d.). Approximately 1,000 of these were already living in the country. The Government paid for the return of some 300 others from Iran who were exiled forcibly in the 1980s. Without citizenship, bidoon legally had been prohibited from buying land, starting a business, or obtaining government loans. Bidoon and citizens who speak Farsi rather than Arabic as their first language faced significant social and economic discrimination, including difficulty in finding employment.

Section 6. Worker Rights

a. The Right of Association.—On September 24, the King promulgated a new law on labor unions that grants workers for the first time the right to form and join unions. Previously, the Constitution recognized the right of workers to organize;

however, the Government banned independent trade unions. The new law also clearly grants noncitizens the right to join unions. The first union formed under the new law was formed on October 8 at the Gulf Petrochemical Industries Company. Unions can be formed at establishments of any size. Employers and the Government are required to treat unions as independent entities.

Labor leaders reported that unions were forming successfully and had not reported any problems with excessively cumbersome rules and regulations imposed by either the Government or corporate management.

The law established a union federation, the General Federation of Workers Trade Unions in Bahrain (GFWTUB) that replaced the General Federation of Bahraini Workers. All unions will be members of the GFWTUB. The law does not restrict who may be a union official, other than to stipulate that a member of a company's management may not be a union member. The law also states that no more than one union per establishment may be created and prohibits unions from engaging in political activities.

The new law allows union membership for private sector workers, workers in the civil service, and maritime workers. Labor leaders reported that the law permits all categories of workers except soldiers to join unions.

The law does not mention antiunion discrimination, and no reports of such behavior were reported. Nothing in the law prohibits unions from access to the legal system. The law encourages unions to participate in international labor forums and events; however, none has yet joined an internationally affiliated trade union organization. No internationally affiliated trade union exists in the country.

b. The Right to Organize and Bargain Collectively.—The new law grants workers for the first time the right to organize and bargain collectively. Previously, the Government had denied this right, allowing only Joint Labor-Management Committees (JLCs), which were not independent mechanisms for representing workers' interests. Unions can be formed at establishments of any size. Employers and the Government are required to treat unions as independent entities.

The new law states that "the right to strike is a legitimate means for workers to defend their rights and interests"; however, the law also places some restrictions on this right. The law requires arbitration before a vote to strike and that three-quarters of a union's members approve the strike in a secret ballot. It was not yet clear if the arbitration was binding. Although government sources say the arbitration provision will not preempt the right to strike, the text of the law does not clearly specify that a union may proceed to a strike vote if it disagrees with the arbitrator's decision. Officials from the Government, labor, and business were reportedly comfortable with this ambiguity.

Although there were reports of some workers' protests during the year, there were no strikes.

There were two export processing zones (EPZs). Labor law and practice were the same in the EPZs as in the rest of the country.

c. Prohibition of Forced or Bonded Labor.—Forced or bonded labor is prohibited by law; however, in practice, the labor laws applied for the most part only to citizens, and abuses occurred, particularly in the cases of domestic servants and those working illegally. The law also prohibits forced and bonded child labor, and the Government enforced this prohibition effectively.

Foreign workers, who make up approximately two-thirds of the workforce, in many cases arrived in the country under the sponsorship of an employer and then switched jobs while continuing to pay a fee to their original sponsor. This practice made it difficult to monitor and control the employment conditions of domestic and other workers. The Government issued new regulations granting foreigners more freedom to change jobs, but the process is legally cumbersome and many foreign workers remained unaware of their rights and obligations under the law. Unskilled foreign workers can become indentured servants, and often lacked the knowledge to exercise their legal right to change employment.

There were numerous credible reports that employers withhold salaries from their foreign workers for months, even years, at a time, and refused to grant them the necessary permission to leave the country. The Government and the courts generally worked to rectify abuses if they were brought to their attention, but they otherwise focused little attention on the problem. The fear of deportation or employer retaliation prevented many foreign workers from making complaints to the authorities (*see* Section 6.e.).

Labor laws do not apply to domestic servants. There were numerous credible reports that domestic servants, especially women, were forced to work 12-or 16-hour days, given little time off, malnourished, and subjected to verbal and physical abuse, including sexual molestation and rape. Between 30 and 40 percent of the attempted

suicide cases handled by the Government's psychiatric hospitals were foreign maids (*see* Section 6.e.).

There were persistent reports that some foreign women working as hotel and restaurant staff were locked in a communal house or apartment when not working and driven to work in a van. Many reportedly traded sexual favors with hotel managers in exchange for time off from work (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 14 years of age. Juveniles between the ages of 14 and 16 may not be employed in hazardous conditions or at night, and may not work more than 6 hours per day or on a piecework basis. Child labor laws were enforced effectively by Ministry of Labor inspectors in the industrial sector; child labor outside that sector was monitored less effectively, but it was not believed to be significant outside family-operated businesses, and even in such businesses it was not widespread.

e. Acceptable Conditions of Work.—The country does not have an official minimum wage. However, the Government issued guidelines that the public and private sectors should pay workers no less than $397.88 (150 dinars) per month, and the Government observed this standard in paying its employees. Compliance with these guidelines was not actively monitored, and few unskilled foreign laborers earned as much as the guidelines suggest. For foreign workers, employers considered benefits such as annual trips home, housing, and education bonuses as part of the salary. However, these guidelines did not provide a decent standard of living for a worker and family. The Labor Law, enforced by the Ministry of Labor and Social Affairs, mandates acceptable conditions of work for all adult workers, including adequate standards regarding hours of work (maximum 48 hours per week) and occupational safety and health.

The Ministry enforced the law with periodic inspections and routine fines for violators. The press often performed an ombudsman function on labor problems, reporting job disputes and the results of labor cases brought before the courts. Once a worker lodges a complaint, the Ministry of Labor and Social Affairs opens an investigation and often takes remedial action. The Fourth High Court has jurisdiction over cases involving alleged violations of the Labor Law. Complaints brought before the Ministry of Labor and Social Affairs that cannot be settled through arbitration by law must be referred to the Court within 15 days. In practice, most employers preferred to settle such disputes through arbitration, particularly since the court and labor law generally were considered to favor the employee.

Under the Labor Law, workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

The Labor Law specifically favors citizens over foreign workers and Arab foreigners over other foreign workers in hiring and firing. Because employers included housing and other allowances in their salary scales, foreign workers legally may be paid lower regular wages than their citizen counterparts, although they sometimes received the same or a greater total compensation package because of home leave and holiday allowances. Western foreign workers and citizen workers were paid comparable wages, with total compensation packages often significantly greater for the former. Women in most jobs were entitled to 60 days of paid maternity leave and nursing periods during the day. However, women generally were paid less than men.

In 1993 the Government strengthened the Labor Law by decree of the King, announcing that significant fines and jail sentences would be imposed upon private sector employers who failed to pay wages required by law. This law applied equally to employers of citizens and foreign workers and was intended to reduce abuses against foreign workers, who at times were denied the required salaries (*see* Section 6.c.). The law provides equal protection to citizen and foreign workers; however, all foreign workers require sponsorship by citizens or locally based institutions and companies. According to representatives of several embassies with large numbers of workers in the country, the Government was generally responsive to embassy requests to investigate foreign worker complaints regarding unpaid wages and mistreatment. However, foreign workers, particularly those from developing countries, often were unwilling to report abuses for fear of losing residence rights and having to return to their countries of origin. Sponsors were able to cancel the residence permit of any person under their sponsorship and thereby blocked them for one year from obtaining entry or residence visas from another sponsor; however, the sponsor may be subject to sanctions for wrongful dismissal. Legislation introduced in July allowed all workers except domestics to change jobs without obtaining a "No Objection" letter from their employers. However, the process for utilizing these new rules was not well understood among expatriate workers. They were also often unwilling

to challenge their employers for fear of being punished or deported. In addition, domestic workers were exempted from this legislation, and many of them remained in essence indentured workers, unable to change employment or leave the country without their sponsors' consent (*see* Section 6.c.).

Foreign women who worked as domestic workers often were beaten or sexually abused (*see* Section 5). Between 30 and 40 percent of attempted suicide cases handled by the Government's psychiatric hospitals were foreign maids (*see* Section 6.c.). Unverified reports also suggested that unskilled foreign laborers were also at risk of suicide.

A long-term goal of the Government is to replace foreign workers with citizens throughout all sectors of the economy and to create new jobs for citizens seeking employment.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that some foreign workers were recruited for employment on the basis of fraudulent contracts and then forced to work under conditions different from what was promised.

Workers from Southeast Asia, South Asia, Ethiopia, and the former Soviet Union reported being forced into conditions that amounted to trafficking. Some of these victims reported being sexually exploited or being forced to work as prostitutes; however, the most common forms of trafficking in persons involved unskilled construction laborers and domestic workers. Victims of this form of trafficking experienced withholding of passports by employers, alteration of contracts without their consent, nonpayment of salaries, or being forced to work extremely long hours.

Although prostitution is illegal, some foreign women, including some who worked as hotel and restaurant staff, engaged voluntarily in prostitution. There were also reports that some women were forced into prostitution. When the Government discovered this kind of abuse, it generally responded by prosecuting the offender, often the victim's sponsor or employer. There were persistent reports that some women working in hotels and restaurants were locked in a communal house or apartment when not working and driven to work in a van (*see* Section 6.c.).

The Government began to take steps to combat trafficking. It recognizes that trafficking is a problem and in February created an interministerial National Task Force committee to formulate a comprehensive plan to combat trafficking. The committee was considering plans to deliver pamphlets on workers' rights to expatriate workers in the country, provide manuals on these rights to local diplomatic missions, create a dedicated entrance for workers arriving in the country, and install a telephone hot line for victims. Victims of trafficking may seek assistance from their embassies. The Government did not provide assistance to victims.

EGYPT

According to its Constitution, Egypt is a social democracy in which Islam is the state religion. The National Democratic Party (NDP), which has governed since its establishment in 1978, has used its entrenched position to dominate national politics and has maintained an overriding majority in the popularly elected People's Assembly and the partially elected Shura (Consultative) Council. In 1999 President Hosni Mubarak was reelected unopposed to a fourth 6-year term in a national referendum. The President appoints the Cabinet and the country's 26 governors and may dismiss them at his discretion. The judiciary generally was independent; however, this independence has been compromised by the State of Emergency legislation in force, under which the range of cases subject to its jurisdiction has been compromised due to the improper use of State Emergency Security Courts and military courts for inappropriate cases.

There are several security services in the Ministry of Interior, two of which have been involved primarily in the Government's campaign against terrorism: The State Security Investigations Sector (SSIS), which conducted investigations and interrogated detainees, and the Central Security Force (CSF), which enforced curfews and bans on public demonstrations and conducted paramilitary operations against terrorists. The President is the commander-in-chief of the military; the military is a primary stabilizing factor within society but generally has not involved itself in internal issues. The security forces committed numerous, serious human rights abuses during the year; however, there continued to be no reports of the use of deadly force in the campaign against suspected terrorists.

Over the past decade, policy reforms encouraged a transition from a government-controlled economy to a free market system, although state-owned enterprises still dominated some key sectors of the economy. The country had a population of ap-

proximately 68 million, which increases by approximately 2 percent annually. The agricultural sector employed the largest number of persons, and was almost entirely privately controlled. Official statistics placed 34 percent of the employed labor force in the agricultural sector, and knowledgeable observers estimated that 3 to 5 percent of those were subsistence farmers. Income from tourism, remittances from approximately 2 million citizens working abroad, petroleum exports, and Suez Canal revenues were the other principal sources of foreign currency and are vulnerable to external shocks. Egypt is a middle income developing country, with poverty (according to the Government's definition) at 23 percent of the population.

The Government generally respected the human rights of its citizens in some areas; however, the Government's record remained poor with respect to freedom of association, the improper use of State Security Emergency Courts and military courts, and torture, among other areas. The President and the entrenched NDP dominated the political scene to such an extent that citizens did not have a meaningful ability to change their government.

The Emergency Law, which has been in effect since 1981 and was renewed for another 3 years in June 2000, continued to restrict many basic rights. The security forces continued to arrest and detain suspected members of terrorist groups. In combating terrorism, the security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, held detainees in prolonged pretrial detention, and occasionally engaged in mass arrests. In actions unrelated to the antiterrorist campaign, local police killed, tortured, and otherwise abused both criminal suspects and other persons. Most cases were not pursued, although the Government took disciplinary action against some police officers accused of abusing detainees, including prosecution of a number of offenders.

Prison conditions remained poor. The Emergency Law allows authorities to detain persons without charge, and the Government continued to arrest and detain persons arbitrarily. Thousands of persons were detained without charge on suspicion of illegal terrorist or political activity; others served sentences after being convicted on similar charges. There was a past practice of improper use of State Security Emergency Courts and military courts to try inappropriate cases which infringed on a defendant's normal right under the Constitution to a fair trial before an independent judiciary. During the year, the Government did not refer any new cases to military courts.

The Government used the Emergency Law to infringe on citizens' civil liberties. Although citizens generally expressed themselves freely, the Government partially restricted freedom of the press and significantly restricted freedom of assembly and association. On July 29, a State Security Court concluded a retrial with the conviction of Dr. Saad Eddin Ibrahim and his codefendants of defaming the state and illegally accepting foreign funds. The verdict was overturned by the Court of Cassation on December 4 and is scheduled to be retried in February 2003 by the Court of Cassation, rather than another State Security Court. Ibrahim's case had broad implications for freedom of expression, and had a deterrent effect on the activities of human rights organizations. The Government generally permitted human rights groups to operate openly. The Government placed some restrictions on freedom of religion.

Domestic violence against women was a problem. Although the Government banned the practice of female genital mutilation (FGM), it persisted in the traditional milieu. Women and Christians faced discrimination based on tradition and some aspects of the law.

The Government limited workers' rights. Child labor remained widespread, despite government efforts to eradicate it. Exposure of workers to hazardous working conditions and other abuses of the law by employers continued, and the Government did not enforce labor laws effectively. Egypt was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—There were no reports of political killings or of extrajudicial killings of suspected terrorists by security forces during the year; however, police committed other extrajudicial killings.

Human rights organizations and the press reported on the death in custody at police stations or prisons of 14 persons during the year: Ahmed Youssef; Sayyed Eissa; Adel Mohamed; Mohamed Mahmoud Osman; Nader Fathy Sayyed; Ahmed Mahmoud Mohamed; Mustafa Labib Hemdan; Mohamed Ali Shahine. Hussein Hassan Khater died after a hunger strike at Kanater prison. He maintained he was in-

nocent. On October 26, it was reported that authorities were investigating the death of five inmates at Ghurbaniyat prison, all of whom died within a 2-week period in early October. Reportedly, their deaths were listed as due to "circulatory failure." The results of the investigation had not been publicized by year's end.

The retrial of 96 suspects accused of participating in the January 2000 violence in al-Kush, Sohag Governorate, that left 21 Christians and 1 Muslim dead, concluded its sessions on October 9. The State Security Court is scheduled to announce the verdicts in January 2003 (*see* Section 5).

b. Disappearance.—The Egyptian Organization for Human Rights (EOHR) reported one disappearance during the year. On February 9, Adel Mohammed Kamiha, a coffee shop owner, reportedly disappeared following his transfer from police custody to the custody of State Security in Alexandria.

In December an administrative court ordered the Ministry of the Interior to pay $46,200 (100,000 Egyptian pounds) to a family in compensation for the disappearance of their son, detained in 1989. The Court also ruled that the reasons for his detention were illegitimate and ordered his release by a court in April 1990. The victim was an alleged member of the banned al-Jihad terrorist organization and a student at Zaqaziq Faculty of Medicine. The Interior Ministry reportedly failed to provide any information about his fate.

At year's end, 46 other cases of disappearance from previous years documented by human rights organizations remained unsolved. Human rights organizations provided names to the U.N. Working Group on Enforced and Involuntary Disappearances; the Government reportedly has denied any involvement in the cases.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the infliction of "physical or moral harm" upon persons who have been arrested or detained; however, torture and abuse of detainees by police, security personnel, and prison guards was common and persistent. The November session of U.N. Committee Against Torture noted a systematic pattern of torture by the security forces.

Under the Penal Code, torture of a defendant or giving orders to torture are felonies punishable by hard labor or 3 to 10 years' imprisonment. If the defendant dies under torture, the crime is one of intentional murder punishable by a life sentence at hard labor. Arrest without due cause, threatening death, or using physical torture is punishable by temporary hard labor. Abuse of power to inflict cruelty against persons is punishable by imprisonment of no more than 1 year or a fine of no more than $61 (134 Egyptian pounds). In addition, victims may bring a criminal or civil action for compensation against the responsible government agency. There is no statute of limitations in such cases.

Despite these legal safeguards, there were numerous, credible reports that security forces tortured and mistreated citizens. Reports of torture and mistreatment at police stations remained frequent. While the Government investigated torture complaints in criminal cases and punished some offending officers, the punishments generally have not conformed to the seriousness of the offense.

Incommunicado detention is authorized for prolonged periods and frequently accompanied allegations of torture (*see* Section 1.d.).

While the law requires security authorities to keep written records of detained citizens, human rights groups reported that such records often were lacking, effectively blocking the investigation of complaints.

Human rights groups believed that the SSIS continued to employ torture. Victims usually were taken to an SSIS office, where they were handcuffed, blindfolded, and questioned about their associations, religious beliefs, and political views. Torture was used to extract information, coerce the victims to end their oppositionist activities, and to deter others from similar activities.

Principal methods of torture reportedly employed by the police included: Being stripped and blindfolded; suspended from a ceiling or doorframe with feet just touching the floor; beaten with fists, whips, metal rods, or other objects; subjected to electrical shocks; and doused with cold water. Victims frequently reported being subjected to threats and forced to sign blank papers to be used against the victim or the victim's family in the future should the victim complain of abuse. Some victims, including male and female detainees, reported that they were sexually assaulted or threatened with the rape of themselves or family members.

In March the EOHR reported 59 documented cases of torture in 2001 in police stations and other detention centers, in which 11 victims died. The report included nine cases of citizens apparently unaffiliated with any political group or trend. In one case, four family members of a wanted defendant were tortured. Twenty-two of the cases involved individuals on trial for conspiracy to commit terrorism and membership in an extremist organization, known as the "Wa'ad" ("The Promise") (*see*

Section 1.e.). One individual arrested in a police Internet "sting" claimed that he had been tortured (*see* Sections 1.d., 1.f., and 2.a.).

In September 51 defendants in the Wa'ad case were convicted and 43 were acquitted. Of the 43 acquitted, 12 were rearrested. Twenty-eight of the 94 Wa'ad defendants told the prosecution that they were tortured during interrogations.

During the year, the Government expanded efforts to hold security personnel accountable for torturing prisoners in their custody. Human rights organizations and the press reported during the year 17 different instances in which personnel were held publicly accountable. Some of the cases involved incidents that took place in previous years. Some but not all of the cases prosecuted involved the deaths of prisoners.

In June the EOHR welcomed moves by the Ministry of Interior to combat torture. The EOHR called for reviewing of all legislation on the subject, amending articles of the Penal Code, and establishing a permanent mechanism for investigating torture complaints. In addition, the Human Rights Center for the Assistance of Prisoners (HRCAP), in an October report entitled "The Truth," commended judicial efforts to try security officers for torture, but outlined current obstacles, including a vague legal definition of torture, and the inability of victims to sue perpetrators directly.

During the year, the Government took some steps to hold torturers accountable. For example, in March the Menoufiya Criminal Court sentenced the warden of Wadi Natroun Prison to 10 years' imprisonment, a subordinate to 7 years' imprisonment, and four other policemen to 5-year terms for torturing inmate Ahmed Mohamed Eissa to death and falsifying documents to disguise the cause of death. The defendants had contested the 2000 verdict and were tried before a different circuit, which handed down the same sentences.

In June the Prosecutor's office began an investigation into the May 27 death, allegedly due to torture, of Mohamed Mahmoud Osman, who was detained at Old Cairo Police Station for 2 days prior to his death. Osman reportedly had refused a body search after being stopped by police. Osman was released after 2 days and reportedly had extensive bruising on his body. He died at home within days.

Also in July, the Cairo Criminal Court sentenced two policemen and a police informant to 5 years at hard labor for torture resulting in the February 23 death of Ahmed Youssef, whose brother Yasser was wanted by the police. Ahmed was taken instead to El Wayli police station where he was severely tortured to obtain information on the whereabouts of his brother.

In August the Cairo Criminal Court sentenced the head of the investigations unit at the Nasr City Police Station and a captain in the unit, to 3-years' imprisonment and a fine of $924 (2,001 Egyptian pounds) each for the torture to death of Sayyed Eissa and the severe torture of his friend, Mustafa Abdel Aziz. The two defendants were detained without charge for 45 days on suspicion of car theft. The Minister of Interior personally referred the case for prosecution. Two other defendants in the case, the head of the auto theft unit and a police officer, were acquitted.

In addition to prosecutions of police involved in cases of torture and abuse of detainees, civil courts continued to review cases and frequently awarded compensation to victims of police abuse. Human rights observers recommended that rules and standards for victims be established to obtain redress and parity in compensation.

In prominent criminal cases, defendants alleged that they were tortured during questioning by police. Attorneys for 52 allegedly homosexual men, arrested in May 2001 and charged with debauchery and "insulting a heavenly religion," claimed that their clients were abused physically during the initial days of their detention, and that several had confessed under torture. Defendants in other cases involving homosexuality also claimed that they were tortured in order to extract confessions to the charge of "debauchery" (*see* Sections 1.e. and 2.c.).

In the Government's pending investigation of the alleged torture of dozens of suspects detained during the investigation of a double murder in the town of al-Kush, Sohag Governorate, in 1998, no interviews of village residents took place and the investigation appeared to make no progress during the year.

From November 11 to 22, three domestic human rights associations, as well as two international organizations, presented their allegations and findings to the Committee Against Torture (CAT), a subcommittee of the U.N. Commission on Human Rights. The final recommendations of the U.N. Committee welcomed several recent actions taken by the Government including: The abolition of flogging in prisons (undertaken in 2001); unannounced inspections of places of detention; court decisions that disregarded confessions obtained under duress; increased human rights training for police officials; and the establishment of several human rights committees and departments within government ministries.

However, the CAT report expressed concerns about: The continued implementation of the state of emergency since 1981; consistent reports of torture and ill treatment, especially at the hands of the SSIS; abuse of juveniles; abuse of homosexuals; the continued use of administrative detention; the lack of access by victims of torture to the courts and the length of proceedings, in addition to disparities in the awarding of compensation; and restrictions on NGOs.

The CAT recommended that the Government consider: Ending the state of emergency; the adoption of a clear legal definition of torture; the abolition of incommunicado detention; the prompt investigation of complaints of torture; the more frequent inspection of places of detention; the review of military court decisions by a higher tribunal; the removal of ambiguities in the law that allow the prosecution of individuals for their sexual orientation; cessation and punishment of the abuse of minors and a halt to their detention with adults; the acceptance of a visit by a U.N. Special Rapporteur on Torture; the establishment of rules and standards for victims to obtain redress and parity in compensation; and to allow human rights organizations to pursue their activities unhindered.

The country's delegation told the CAT that "incompatibility of timetables" had not made possible a visit to the country by the U.N. Special Rapporteur on Torture.

Prison conditions remained poor and tuberculosis was widespread. Prisoners suffered from overcrowding of cells, the lack of proper hygiene, food, clean water, proper ventilation, and recreational activities, as well as inadequate medical care. Some prisons continued to be closed to the public.

On June 9, the Public Prosecutor issued orders to all prosecutors' offices to allow defense lawyers access to investigation reports prior to the prosecution's questioning of defendants and ordered that lawyers and defendants not be separated for any reason during questioning.

On July 10, HRCAP obtained an administrative court order that allows prisoners and their lawyers to meet privately without any barriers between them (such as standard mesh fencing).

Prisoners were sometimes released on religious holidays without administrative delays, reflecting the Ministry of Interior's decision for direct release from prisons, rather than an intermediate transfer to security directorates for out-processing. However, human rights organizations reported that implementation of the policy in criminal cases was inconsistent, and that the direct-release policy was not implemented in general in cases involving political prisoners, especially in cases of detainees suspected of membership in the Muslim Brotherhood.

Suspected Islamic group members were released during the year.

Some were identified as repentant members of the Islamic Group, a banned terrorist organization. Observers said that the number of suspected Islamic Group members released during the year was 750.

In March, April, and June, HRCAP successfully won court cases against the Ministry of Interior to lift the ban on visits to four prisons.

Failure to implement judicial rulings regarding the release of administrative detainees or opening of prisons to visits continued to be a problem during the year. Relatives and lawyers often were unable to obtain access to prisons for visits. Restrictions were placed on visits to prisoners who are incarcerated for political or terrorist crimes, limiting the number of visits allowed for each prisoner and the total number of visitors allowed in the prison at one time. In November a Ministry of the Interior decree prohibited visits to inmates in three maximum security prisons, Istiqbal Tora, Abu Za'abal, and Liman Abu Za'abal, citing security concerns. The EOHR issued a statement regretting the move and asserting that the decree contradicted previous court rulings and existing regulations governing the treatment of prisons.

As required by law, the public prosecutor continued to inspect prisons during the year. Findings were not made public. However, the premises of the SSIS, where torture was practiced, were excluded from mandatory judicial inspection.

In December 2001, the People's Assembly approved an amendment banning flogging as a disciplinary measure in prisons. Local human rights groups welcomed the ban.

There were separate prison facilities for men, women, and juveniles. However, the separation of adults from juveniles did not always occur, and abuses of minors were common. There were separate military prisons, and civilians were not detained in them. Political prisoners generally were detained separately from prisoners convicted of violent crimes.

In principle lawyers, acting as de facto human rights monitors, were permitted to visit prisoners in their capacity as legal counsel; however, in practice they often faced considerable bureaucratic obstacles that prevented them from meeting with their clients who were prisoners. The International Committee of the Red Cross

(ICRC) and other domestic and international human rights monitors did not have access to prisons or to all places of detention.

d. Arbitrary Arrest, Detention, or Exile.—During the year, security forces conducted large-scale arrests and detained hundreds of individuals without charge. Police also at times arbitrarily arrested and detained persons. Under the provisions of the Emergency Law, the police may obtain an arrest warrant from the Ministry of Interior upon showing that an individual poses a danger to security and public order. This procedure nullified the constitutional requirement of showing that an individual likely has committed a specific crime to obtain a warrant from a judge or prosecutor.

The Emergency Law allows authorities to detain an individual without charge. After 30 days, a detainee has the right to demand a court hearing to challenge the legality of the detention order and may resubmit his motion for a hearing at 1-month intervals thereafter. There is no maximum limit to the length of detention if the judge continues to uphold the legality of the detention order or if the detainee fails to exercise his right to a hearing. Incommunicado detention is authorized for prolonged periods by internal prison regulations. Human rights groups and the CAT both expressed concern over the application of measures of solitary confinement.

In addition to the Emergency Law, the Penal Code also gives the State broad detention powers. Under the Penal Code, prosecutors must bring charges within 48 hours or release the suspect. However, they may detain a suspect for a maximum of 6 months pending investigation. Arrests under the Penal Code occurred openly and with warrants issued by a district prosecutor or judge. There is a system of bail. The Penal Code contains several provisions to combat extremist violence, which broadly define terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

Hundreds, perhaps thousands, of persons were detained administratively in recent years under the Emergency Law on suspicion of terrorist or political activity, in addition to several thousand others convicted and serving sentences on similar charges (*see* Section 1.e.). In July Mohamed Zarei, head of HRCAP, put the total figure at 15,000. Other estimates ranged between 13,000 and 16,000. Zarei stated that the number reflected the release of approximately 7,000 detainees over the past 3 years.

In March HRCAP began the issuance of a series of lists of sick prisoners that it alleged were detained illegally. As of October, the group counted 505 such persons. The lists provided information on the date of arrest (all from the 1990s), the number of court orders for release, their present place of detention, and their ailment. The reports did not include information on the reasons for detention (political or criminal). HRCAP forwarded the lists to the President, urging the release of the detainees.

Between February and June, newspapers and human rights groups reported the arrest of several individual members of the Popular Egyptian Committee to Support the Intifada and the Palestinian People. Tawfik Wail was arrested at the Cairo Book Fair while gathering signatures for a petition and released 3 days later. The Committee claimed that Wail was tortured. The National Committee in Defense of Prisoners of Conscience claimed in April that Haytham Mahmoud Mohamed was arrested in Alexandria along with seven members of the Popular Egyptian Committee to Support the Intifada and the Palestinian People, for unspecified reasons. The Secretary General of the Committee also was charged with possession of leaflets calling for demonstrations in support of Palestine. On May 21, EOHR issued a statement congratulating the prosecution for the release of the detainees.

Over the course of the year, security forces arrested approximately 300 persons allegedly associated with the Muslim Brotherhood, which has been an illegal organization since 1954. Charges leveled against members typically included: Belonging to and attempting to revive the activities of a banned organization; obstructing the laws and constitution of the country; inciting the masses against the Government (usually organizing demonstrations critical of the Government's position on the peace process and relationship with the United States; and attempting to infiltrate student bodies to spread the ideology of a banned organization.

Of the approximately 300 detained, none remained in detention at year's end, according to a lawyer for the Muslim Brotherhood. Of those detained, 101 were arrested on charges of rioting, vandalism, and destruction of public property in Raml district during the June 27 parliamentary elections. Raml, near Alexandria, was the site of skirmishes between security forces and supporters of two candidates affiliated with the Muslim Brotherhood. Six lawyers affiliated with the campaign of (female) Islamist candidate Gihan El Khalafawi also were arrested and detained by prosecutors for 15 days on suspicion of incitement to riot. In October the court acquitted 35 of the 101 defendants and sentenced the remaining 66 to 3 months (time

served). In an unusual statement, the judge in the case called on the Government to repeal the Emergency Law and urged authorities to limit referrals to the State Security Court to cases of an exceptional nature with a direct impact upon national security (*see* Section 1.e.).

Arrests targeting high level Muslim Brotherhood members included Ali Abdel Fattah, who was arrested in May in Alexandria and released in August, for allegedly planning a "million man march" in support of the Intifada, and the September arrest in Cairo of Rashad Bayoumi and 17 others. In June security forces impounded the offices of the Alexandria Physicians' Syndicate, whose head and Secretary-General were members of the Muslim Brotherhood. Syndicate offices allegedly were used as a base for Brotherhood activities. In July a military court handed down rulings in the case of 22 Muslim Brotherhood members who had been referred to the court by presidential decree in November 2001. The court sentenced 5 of them to 5-years' imprisonment, 11 to 3-years' imprisonment, and acquitted 6.

In compliance with court orders, 35 members of the Muslim Brotherhood, including Muhammad El-Sayed Habib, were released in August after 15 months in detention. After a court ordered the release of 12 Muslim Brotherhood members, having served three-quarters of their sentence, the Government contested the ruling. In October prominent Brotherhood member Mokhtar Nouh was released from prison.

During the year, there were several confirmed reports that converts to Christianity were harassed by security authorities (*see* Section 2.c.). For example, in June convert Hisham Samir Abdel-Lateef Ibrahim was detained in Alexandria by the SSIS, and held for 52 days at SSIS facilities in Alexandria and Cairo before being transferred to Torah Farms Prison, where he was interrogated at least three times. Ibrahim is believed to have been charged with forging identity documents, and "contempt of religion," although as of year's end, his case had not been referred to court. In a letter smuggled out of the prison, Ibrahim claimed that other converts to Christianity were detained in the same prison. He admitted to having procured a falsified identity document that showed his new religious affiliation. Ibrahim's case came to the attention of Coptic activists during the summer, when they retained legal counsel for him and began to sue for his release.

The Government did not use forced exile.

e. Denial of Fair Public Trial.—The judiciary was generally independent; however, under the Emergency Law, cases involving terrorism and national security may be tried in military, State Security, or State Security Emergency Courts, in which the accused does not receive all the normal constitutional protections of the civilian judicial system. The authorities ignored judicial orders in some cases.

In a number of public statements during the year, Public Prosecutor Maher Abdel Wahed stated his intention to support abolishment of State Security Emergency Courts.

The Constitution provides for the independence and immunity of judges and forbids interference by other authorities in the exercise of their judicial functions, and this provision generally was observed in practice. The President appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges. Judges are appointed for life, with mandatory retirement at age 64. Only the Higher Judicial Council may dismiss judges for cause, such as corruption. The Higher Judicial Council is a set body headed by the president of the Court of Cassation. The Council regulates judicial promotions and transfers. The Government included lectures on human rights and other social issues in its training courses for prosecutors and judges.

In the civilian court system, there are criminal courts, civil courts, administrative courts, and a Supreme Constitutional Court. There are three levels of regular criminal courts: Primary courts, appeals courts, and the Court of Cassation, which represents the final stage of criminal appeal. Criminal courts also have a state security division to hear cases that the Government considers to bear on state security; in these courts, the defendant may appeal only on procedural grounds. Civil courts hear civil cases and administrative courts hear cases contesting government actions or procedures; both systems have upper-level courts to hear appeals. The Supreme Constitutional Court hears challenges to the constitutionality of laws or verdicts in any of the courts.

A lawyer is appointed at the court's expense if the defendant does not have counsel. Appointed lawyers are drawn from a roster that is chosen by the Bar Association; however, expenses are borne by the State. Any denial of this right is grounds for appeal of the ruling. However, detainees in certain high security prisons continued to allege that they were denied access to counsel or that such access was delayed until trial, thus denying counsel the time to prepare an adequate defense. A woman's testimony is equal to that of a man's in court. There is no legal prohibition

against a woman serving as a judge, but no women served as judges (*see* Section 5).

In 1992 following a rise in extremist violence, the Government began trying cases of defendants accused of terrorism and membership in terrorist groups before military tribunals. In 1993 the Supreme Constitutional Court ruled that the President may invoke the Emergency Law to refer any crime to a military court. This use of military and State Security Emergency Courts under the Emergency Law since 1993 was broadly interpreted and deprived hundreds of civilian defendants of their normal right under the Constitution to be tried by a civilian judge. The Government defended the use of military courts as necessary to try terrorism cases, maintaining that trials in the civilian courts were protracted and that civilian judges and their families were vulnerable to terrorist threats. No new cases involving civilian defendants were referred to military courts during the year.

Military verdicts were subject to a review by other military judges and confirmation by the President, who in practice usually delegated the review function to a senior military officer. Defense attorneys claimed that they were not given sufficient time to prepare defenses and that judges tended to rush cases involving a large number of defendants. Nonetheless, judges had guidelines for sentencing, defendants had the right to counsel, and statements of the charges against defendants were made public. Observers needed government permission to attend. Diplomats attended some military trials during the year. Human rights activists have attended, but only when acting in their capacity as lawyers for one of the defendants.

On September 9, a military court handed down verdicts in the trial of 94 defendants (5 of whom remained at large) on charges of conspiracy to commit acts of terrorism and membership in an illegal Islamist organization, the Wa'ad. The court sentenced defendants to varying terms of up to 15 years at hard labor, including Egyptian-American Muhammad Hisham Seif Iddin, or up to 3-years' imprisonment, and acquitted 43 other defendants. The release of the acquitted reportedly was delayed, and 12 were rearrested, including lead defendant Sheikh Nash'at Ibrahim. No new developments were reported by year's end.

In the case of 170 defendants of the terrorist Islamic Group, there were no developments during the year; available information indicated that they remained in prison awaiting trial. In the case of the 22 Muslim Brothers, on July 30 the courts acquitted 6, sentenced 5 to 5 years in prison, and 11 to 3 years in prison.

The State Security Emergency Courts shared jurisdiction with military courts over crimes affecting national security. The President appointed judges to these courts from the civilian judiciary upon the recommendation of the Minister of Justice and, if he chose to appoint military judges, the Minister of Defense. Sentences were subject to confirmation by the President. There was no right of appeal. The President may alter or annul a decision of a State Security Emergency Court, including a decision to release a defendant.

During the year, State Security Emergency Courts handed down verdicts in 5 cases involving 12 defendants.

In March a court sentenced Sherif El-Filali to 15 years' hard labor on espionage charges. On March 5, a court convicted eight persons from the city of Matariya of "insulting a heavenly religion." Sentences ranged from 3 years in prison to a 1-year suspended sentence (*see* Section 2.c.). In April courts sentenced to 10 years at hard labor Mohammed El-Sayid Soliman, an alleged member of the banned terrorist Islamic Jihad group, as well as an alleged associate of Al-Qai'da leader Ayman Al-Zawahiri. In June a court sentenced Magdi Anwar Tawfiq to 10 years at hard labor for spying for Israel. In a July retrial, Mahmoud Abdel Ghani, an alleged member of the outlawed terrorist Islamic Group, was sentenced to life in prison for having joined the military wing of the group in Assiut and subsequently killing a police officer. At his first trial, Abdel Ghani had been sentenced to 5 years, but a military governor, on behalf of the President, refused to ratify the ruling and ordered a retrial. There were no further judgments issued by emergency courts after July.

In May President Mubarak ordered a civilian court to retry 50 men in what was called the "Queen Boat case," 23 of whom had been convicted in a State Security Emergency Court of "habitual debauchery" in November 2001. At the same time, the President ratified the verdicts against two of the original defendants who had been convicted of "insulting a heavenly religion" and "unorthodox religious beliefs and practices." The retrial of the 50 was ongoing at year's end.

In July the Military Governor's office rejected the appeal of Mamdouh Mehran, who had been sentenced in 2001 to prison for 3 years for propagating false information and "insulting a heavenly religion," by publishing an article about the alleged sexual misconduct of a defrocked Coptic monk (*see* Section 2.a.).

On February 6, the Court of Cassation overturned Saad Eddin Ibrahim's May 2001 conviction and ordered a retrial. On July 29, a State Security Court found

Ibrahim guilty of seeking to harm the reputation of the State, accepting foreign funding without government approval, and defrauding a donor, and sentenced him to 7-years' imprisonment. Three codefendants were convicted on fraud charges and sentenced to 2- to 3-year terms, and three others received 1-year suspended sentences. The verdict was issued moments after formal oral arguments had been concluded.

In the Ibrahim case, the charge of defrauding a donor stemmed from an E.U. Commission grant of $246,266 (261,000 euros) to Ibrahim's Ibn Khaldoun Center for Development Studies. Judges disregarded an affidavit from the chief of the E.U. mission in the country that affirmed that the E.U. was fully satisfied with the way the Center handled its grant. As in the first trial, the defense was denied access to the files of the Ibn Khaldoun center, seized by investigators at the time of Ibrahim's initial arrest in 2000. During the trial, judges did not address numerous defense motions, and at year's end had not provided the defense with a copy of the court transcript. Lawyers for Ibrahim and his codefendants filed appeals in September. On December 4, the Court of Cassation overturned the State Security Court's July 29 conviction and set a retrial date of January 7, 2003, later rescheduled to February 4. Since this was the second time the court overturned a lower court's verdict, the Court of Cassation itself, rather than another State Security Court, will retry the case.

On October 20, a State Security Court began hearing the case of 26 persons, including three Britons, accused of membership in the extremist "Islamic Liberation Party," which allegedly aimed to overthrow the Government. Some defendants have alleged they were tortured. One British defendant, who told the press his confession had been coerced, incorporated the word "lies" into his English signature on his confession.

During the year, the Government continued to try and convict journalists and authors for slander, as well as for expressing their views on political and religious issues (*see* Sections 2.a. and 2.c.).

According to local human rights organizations, there were approximately 13,000 to 16,000 persons detained without charge on suspicion of illegal terrorist or political activity (*see* Section 1.d.), in addition to several thousand others convicted and serving sentences on similar charges.

The Government did not permit access by international humanitarian organizations to political prisoners (*see* Section 1.c.). In October, an Amnesty International (AI) delegation was permitted to visit the country, but authorities denied the group's request to pay visits to detainees.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the sanctity and secrecy of the home, correspondence, telephone calls, and other means of communication; however, the Emergency Law abridges the constitutional provisions regarding the right to privacy, and the Government used the Emergency Law to infringe on these rights. Under the Constitution, police must obtain warrants before undertaking searches and wiretaps. Courts have dismissed cases in which warrants were issued without sufficient cause. Police officers who conducted searches without proper warrants were subject to criminal penalties, although penalties seldom were imposed. However, the Emergency Law empowers the Government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently placed political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screened their correspondence (especially international mail), searched them and their homes, and confiscated personal property.

In November the upper house of Parliament, the Shura Council, approved a draft bill that permits security agencies and the Interior Ministry to conduct telephone and Internet wiretaps in the interest of national security. A draft article that permitted such tapping without court approval faced resistance among members and was withdrawn from the bill.

Although the law does not explicitly criminalize homosexual acts, police have targeted homosexuals using Internet-based "sting" operations leading to arrests on charges of "debauchery." According to a press report, a senior Interior Ministry official counted 19 arrests of suspected homosexuals via the Internet. Local NGOs have counted 31 instances of Internet-based arrests of homosexuals since police began the practice in 2001. There were allegations of torture and convictions in the absence of evidence (*see* Sections 1.c. and 2.a.).

The Ministry of Interior has the authority to stop specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order; it exercised this authority sporadically (*see* Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government partially restricted these rights. Citizens openly expressed their views on a wide range of political and social issues, including vigorous criticism of government officials and policies, but generally avoided certain topics, such as direct criticism of the President.

The case of Dr. Saad Eddin Ibrahim, director of the Ibn Khaldoun Center for Development Studies, had broad implications for freedom of expression and a deterrent effect on human rights groups. Local observers believed that Ibrahim was prosecuted because of public remarks that he made regarding high-ranking officials that exceeded unwritten limits regarding freedom of expression (*see* Sections 1.e. and 4).

The Constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. There are numerous restrictions on legal entities that seek to establish their own newspapers, including a limit of 10 percent ownership by any individual.

The Government owned stock in the three largest daily newspapers, and the President appointed their editors in chief, who generally followed the Government line. The Government also held a monopoly on the printing and distribution of newspapers, including those of the opposition parties. The Government used its monopolistic control of newsprint to limit the output of opposition publications.

Opposition political parties published their own newspapers but received a subsidy from the Government and, in some cases, subsidies from foreign interests as well. Most newspapers were weeklies, with the exception of the dailies Al-Wafd and Al-Ahrar, both of which had small circulations. Opposition newspapers frequently published criticism of the Government. They also gave greater prominence to human rights abuses than did state-run newspapers. All party newspapers were required by law to reflect the platform of their parties.

On July 15, the Higher Council for the Press approved the publication of 10 new periodicals and changes to the names of 2 existing publications. No publications lost the right to publish. All 10 new newspapers were independent.

In May the Higher Administrative Court overturned a previous revocation of the permit of the weekly tabloid An-Naba', following publication of an article alleging sexual misconduct by a defrocked Coptic Orthodox monk (*see* Section 1.e.).

In April the Administrative Court ruled for the 14th time in favor of the return of Al-Shaab newspaper, the official publication of the Labor Party. The court decided that since the Labor Party was suspended, but not disbanded, its newspaper could continue to publish.

Because of the difficulties in obtaining a license, several publishers of newspapers and magazines aimed at a domestic audience obtained foreign licenses. The Department of Censorship in the Ministry of Information has the authority to censor or halt their distribution.

The Center for Human Rights and Legal Assistance in 1999 organized a legal challenge to the constitutionality of the Information Ministry's censorship of offshore publications. The Supreme Constitutional Court began hearing the case in 2000 and held another hearing in January, but still had not issued a decision by year's end.

There were no cases of censorship of foreign-licensed publications during the year.

The Penal Code, Press Law, and Publications Law govern press issues. The Penal Code stipulates fines or imprisonment for criticism of the President, members of the Government, and foreign heads of state. The Supreme Constitutional Court agreed in 1998 to review the constitutionality of those articles of the Penal Code that specify imprisonment as a penalty for journalists convicted of libel, but had not begun hearing the case by year's end. The Press and Publication Laws ostensibly provide protection against malicious and unsubstantiated reporting. Financial penalties for violations were increased substantially in 1996 when relevant provisions of the Penal Code were revised, but the judicial process remained long and costly, creating a bar to realistic legal recourse for those wrongly defamed. In recent years, opposition party newspapers have published within limits articles critical of the President and foreign heads of state without being charged or harassed. The Government continued to charge journalists with libel. If he were found to be negligent, an editor-in-chief could be considered criminally responsible for libel contained in any portion of the newspaper.

For example, one of the six libel cases referred to the Constitutional Court during the year was the 1999 case of Mohamed Abdellah, who was sentenced in 2001 to 3 months' suspended sentence and fined a total of $4,620 (10,000 Egyptian pounds) for allegedly slandering Press Syndicate president Ibrahim Nafei. The Constitutional Court held its first session to review it and five other cases that were com-

bined and heard together on March 18. The date of the next session was not set by year's end.

During the year, the courts tried a number of prominent cases of libel filed both by government officials and private individuals. For example, in February the Cairo Criminal Court acquitted Mustafa Bakry, chief editor of Al-Osbou' newspaper but sentenced two journalists at the newspaper to a fine of $6,930 (15,000 Egyptian pounds) each for libel against a member of the People's Assembly. In April the Boulaq Court of Misdemeanors sentenced Ahmed Haredi Mohamed, a member of the Press Syndicate and the chief editor of Al Mithak Al Arabi, an electronic newspaper, to 6 months' imprisonment, a fine of $462 (1,000 Egyptian pounds), and $924 (2,001 Egyptian pounds) as temporary compensation. Haredi was charged with libel and slander against Ibrahim Nafei, Press Syndicate President and chief editor of Al-Ahram, who initiated the lawsuit.

In June the Fayyoum Court of Misdemeanors acquitted journalist Maher Naguib of slander and dismissed a civil suit against his newspaper, Akhbar El Youm, and its chief editor Ibrahim Se'da. Naguib had published a feature story on the allegedly improper acquisition of state owned land by private interests. The court stated that the intent of the article was not to libel the plaintiff but to defend public welfare. In November the Boulaq Court of Misdemeanor sentenced chief editor of Al-Midan newspaper Said Abdel Khaleq and a journalist to 3 months in prison at labor (suspended) for publishing a photo of Anwar Sadat's body after his assassination.

The Public Prosecutor may issue a temporary ban on the publication of news pertaining to cases involving national security in order to protect the confidentiality of the cases. The length of the ban is based on the length of time required for the prosecution to prepare its case.

The law provides penalties for individuals who disclose information about the State during emergencies, including war and natural disasters. The penalties include fines of up to $2,772 (6,000 Egyptian pounds) and prison sentences of up to 3 years. There were no reports that the law was applied during the year.

The law prohibits current or former members of the police from publishing work-related information without prior permission from the Interior Minister.

Various ministries legally are authorized to ban or confiscate books and other works of art upon obtaining a court order; however, books may not be confiscated from the market without a court order. There were no court-ordered confiscations of books during the year.

During the year, criminal and other lawsuits were brought or continued against several authors for expressing their views on religious or political issues. Most notable among these was the case of sociologist Saad Eddin Ibrahim whose charges in the State Security Emergency Court included harming the reputation of the State through his writings (*see* Sections 1.e. and 4).

The Ministry of Interior regularly confiscated leaflets and other works by Islamists and other critics of the State. Members of the illegal Muslim Brotherhood also were arrested in connection with publications (*see* Sections 1.d. and 3). In many cases, the press reported that police confiscated written materials such as leaflets during the arrests.

The Ministry of Interior sporadically prevented specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order (*see* Section 1.f.). The Ministry of Defense may ban works about sensitive security issues. The Council of Ministers may order the banning of works that it deems offensive to public morals, detrimental to religion, or likely to cause a breach of the peace.

The Government controlled and censored the state-owned broadcast media. The Ministry of Information owned and operated all ground-based domestic television and radio stations. Two private satellite stations, al Mihwar and Dream TV, began broadcasting in 2001 and operated without direct government interference. The Government had a 20 percent financial stake in the first and a 10 percent stake in the second. The Government did not block reception of foreign channels via satellite. The percentage of residents who received satellite television broadcasts was small, but many coffee shops and other public places offered satellite television.

Plays and films must pass Ministry of Culture censorship tests as scripts and as final productions. However, many plays and films that were highly critical of the Government and its policies were not censored. Plays and films must pass Ministry of Culture censorship tests as scripts and as final productions. However, many plays and films that were highly critical of the Government and its policies were not censored.

The Ministry of Culture also censored foreign films to be shown in theaters, but it was more lenient regarding the same films in videocassette format. Government censors ensured that foreign films made in the country portrayed the country in a favorable light. The Censorship Department banned three films from public viewing

during the year: "From Hell," banned for its violent and sexually explicit scenes; an Arabic film, "Hidden Shadows," which dealt with relationships between spirits and humans; and "The Guard," a science fiction story that depicted an "evil" spirit Talal, found in southern Iraq, fighting the "good" spirit David.

The Ministry of Communication and Information Technology estimated that approximately 1 million citizens were Internet users. The Government did not restrict Internet use and did not monitor citizens' Internet use on a broad scale, although there may have been some monitoring by law enforcement officials.

On July 7, the Sayyeda Zeinab Court of Misdemeanors issued the first verdict of its kind. It ordered a 1-year (suspended) prison term and a fine for Shuhdy Naguib Serrour for posting on the Internet a poem written by his father containing phrases that "violated public ethics." The political poem, written in the early 1970s, was banned from publication at the time. The prosecution considered posting the piece on the Internet to be a violation of the ban. On August 26, Shuhdy contested the ruling before the Court of Appeals. On October 14, the South Cairo Court of Appeals upheld the previous decision.

In June the Dokki Court of Misdemeanors sentenced Mohamed Hisham and his wife Hannan Sayyed to 6 months imprisonment with labor and a fine of $3,210 (5,000 Egyptian pounds) each for posting nude pictures on the Internet. Other cases of arrest related to the Internet also have included homosexuals in police "sting" operations (*see* Section 1.f.).

The Government did not restrict directly academic freedom at universities. However, deans were government-appointed rather than elected by the faculty. The Government justified the measure as a means to combat Islamist influence on campus. The Government also occasionally banned books for use on campuses, although no such cases occurred during the year.

b. Freedom of Peaceful Assembly and Association.—The Government significantly restricted freedom of assembly. Citizens must obtain approval from the Ministry of Interior before holding public meetings, rallies, and protest marches. Many demonstrations were not approved; however, the Government tightly controlled public demonstrations that did occur to prevent them from spreading into the streets or other areas. The Interior Ministry selectively obstructed meetings scheduled to be held on private property and university campuses (*see* Section 4).

The Government significantly restricted freedom of association. During the year, Law 84 entered into force. The law regulates the formation, function, and funding of NGOs and private foundations. The law grants to the Minister of Insurance and Social Affairs the authority to dissolve by decree NGOs, a power previously reserved to the courts. The law also requires NGOs to obtain permission from the Government before accepting foreign funds. According to government officials, funds from foreign government donors with established development programs in the country were excluded from this requirement. Government officials said that the law, which went into effect with the publication of executive regulations in October, would be applied in a liberal spirit.

In 2000 the Supreme Constitutional Court overturned the previous law, Law 153. Pending the passage of Law 84 and the issuance of executive regulations, an earlier law (Law 32) was reinstated, leaving many NGOs in an unsettled registration status. No human rights organizations were registered as NGOs during the year. Several other human rights organizations that applied for registration in the past, including the EOHR, HRCAP, and the Cairo Institute for Human Rights Studies (CIHRS) were not registered by year's end.

Under legislation governing professional syndicates, at least 50 percent of the general membership of an association must elect the governing board. Failing a quorum, a second election must be held in which at least 30 percent of the membership votes for the board. If such a quorum is unattainable, the judiciary may appoint a caretaker board until new elections can be scheduled. The law was adopted to prevent well-organized minorities, specifically Islamists, from capturing or retaining the leadership of professional syndicates. Members of the syndicates have reported that Islamists have used irregular electoral techniques, such as physically blocking polling places and limiting or changing the location of polling sites.

c. Freedom of Religion.—The Constitution provides for freedom of belief and the practice of religious rites; however, the Government placed restrictions on this right and discrimination against religious minorities existed. Only Islam, Christianity, and Judaism are recognized by the Government as religions.

Most citizens are Sunni Muslims. There is a small number of Shi'a Muslims. Approximately 8 to 10 percent of the population are Christians, the majority of whom belong to the Coptic Orthodox Church. There are other small Christian denomina-

tions, a small Baha'i community, and a Jewish community that numbers approximately 200 persons.

Under the Constitution, Islam is the official state religion and primary source of legislation. Accordingly, religious practices that conflict with Shari'a (Islamic law) are prohibited. However, the practice of Christianity or Judaism does not conflict with Shari'a and, for the most part, members of the non-Muslim minority worshipped without harassment and maintained links with coreligionists abroad.

All mosques must be licensed, and the Government was engaged in an effort to control them legally. The Government appointed and paid the salaries of the imams who lead prayers in mosques, proposed themes for them, and monitored their sermons. In December 2001, the Minister of Awqaf announced that the Government controlled 57,000 mosques and 13,000 mosques located in private buildings. There were more than 80,000 mosques in the country, of which as many as 10,000 may be unlicensed. In an effort to combat extremists, the Government announced its intention to bring all unauthorized mosques under its control.

Neither the Constitution nor the Civil and Penal Codes prohibits proselytizing or conversion. However, during the past two decades, several dozen Christians who were accused of proselytizing or who had converted from Islam were harassed by police or arrested on charges of violating Article 98(F) of the Penal Code, which prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife.

There are no restrictions on the conversion of non-Muslims to Islam. However, in cases involving conversion from Islam to Christianity, authorities have charged several converts with violating laws prohibiting the falsification of documents. In such instances, converts, who fear government harassment if they officially register the change from Islam to Christianity, have altered their identification cards and other official documents themselves to reflect their new religious affiliation.

In 1996 human rights activist Mamdouh Naklah filed a lawsuit challenging the constitutionality of the 10 conditions for building a church, some dating from the Ottoman era. The court requested in October 2001 that the State Commissioners render an opinion on the constitutionality of the conditions. No opinion was issued during the year.

In response to strong criticism of the restrictive requirements dating back to the Ottoman era, President Mubarak took several steps to facilitate church repairs. In 1999 he issued a decree making the repair of all places of worship subject to a 1976 civil construction code. The decree was significant symbolically because it made churches and mosques equal under the law. The practical impact of the decree was to facilitate significantly church repairs; however, Christians reported that local permits still were subject to approval by security authorities.

During the year, the Government issued 12 permits for church-related construction. The approval process for church construction suffered from delays and was insufficiently responsive to the Christian community, although the President reportedly approved all requests for permits that were presented to him. The incidence of blocked or delayed orders varied, often depending on the church's relationship with local security officials and the level of support of the local governor.

In July following a complaint by Muslim villagers, Sohag security authorities closed a building used as a church since 1975 in Nag'a al Kiman on the grounds that it had no permit, and briefly arrested some of the congregation. Church officials maintained that most churches in the area had no permit and the security authorities were aware of that fact. There was no resolution of the problem by year's end.

The Constitution requires schools to offer religious instruction. Public and private schools provided religious instruction according to the faith of the student.

The Government occasionally prosecuted members of religious groups whose practices deviated from mainstream Islamic beliefs and whose activities were believed to jeopardize communal harmony. In May the President upheld the convictions in a State Security Emergency Court of two citizens, charged with insulting a heavenly religion. They allegedly advocated a belief system combining Islam and tolerance for homosexuality (*see* Sections 1.d. and 1.e.).

On March 5, a State Security Emergency Court convicted eight persons from the city of Matariya (near Cairo) of insulting a heavenly religion. They were arrested in October 2001 for unorthodox Islamic beliefs and practices. Sentences ranged from 3 years in prison to a 1-year suspended sentence.

In September Sayed Tolba, who claimed to be a prophet, was sentenced to 3 years' imprisonment for insulting religion and promoting extreme ideas. Twenty followers received lesser sentences.

During the year, several writers also were charged with expressing unorthodox religious beliefs and practices (*see* Section 2.a.).

The Islamic Research Center of Al-Azhar University had legal authority to censor all publications dealing with the Koran and Islamic scriptural texts (*see* Section 2.a.).

In September 2001, the Alexandria administrative court issued a decision canceling the annual Jewish celebration at the tomb of Rabbi Abu Hasira in Beheira. Reportedly, villagers complained about the behavior of pilgrims. The court suspended a Ministry of Culture decree declaring the tomb a national antiquity site. Although the Ministry reportedly contested the 2001 decision, the festival was not held during the year and the matter remained unresolved at year's end.

The Constitution provides for equal public rights and duties without discrimination due to religion or creed. For the most part, the Government upheld these constitutional protections; however, discrimination against minority religions, including Christians and Baha'is, existed.

In a well-received step on December 17, the President declared that January 7, Coptic Christmas, would henceforth be a national holiday. The move was warmly welcomed by Christians and also by the country's principal Islamic leader, the Sheikh of Al-Azhar. Christian leaders stated that the declaration gave Copts increased recognition and respect and raised the consciousness of the country's Muslims toward non-Muslim fellow citizens.

Although there has been improvement in the past 2 years in some areas, such as the introduction of the Coptic era into history curriculums in all government schools and increased coverage of Christian subjects in the mass media, discriminatory government practices persisted including suspected statistical underrepresentation of the size of the Christian population for the 1986 census, the last which indicated religion.

There were no Christians serving as governors, police commissioners, city mayors, university presidents, or deans. There were few Christians in the upper ranks of the security services and armed forces. Discrimination against Christians also continued in public sector employment, in staff appointments to public universities, in failure (with the exception of one case during the year) to admit Christians into public university training programs for Arabic language teachers that involved study of the Koran, and payment of Muslim imams through public funds (Christian clergy are paid with private church funds).

The approximately 6 million Coptic Christians were the objects of occasional violent assaults by the Islamic Group and other terrorists. Some Christians alleged that the Government was lax in protecting Christian lives and property, as several riots and conflicts with injuries and property damage occurred during the year (*see* Section 2.c.). However, there were no reports of terrorist attacks against Christians. In a number of cases, in particular regarding murder, it was difficult to determine whether religion was a factor.

During the year, the trial continued of 96 persons (58 Muslims and 38 Christians) for crimes, including murder committed in al-Kush in Sohag Governorate in 2000. A trade dispute between a Christian clothing merchant and a Muslim customer in December 1999 escalated into violent exchanges, resulting in the deaths of 21 Christians and 1 Muslim. The Muslim victim was killed by other Muslims who mistook him for a Christian. The violence also resulted in the injury of 39 persons in al-Kush and 5 persons in the neighboring municipality of Dar al-Salaam. Approximately 200 businesses and homes in the area were damaged.

The first trial of the 96 ended in February 2001, with the acquittal of 92 of the 96 defendants. The lead judge cited inadequate evidence in justifying the verdicts. After an outcry from the Christian community, the Public Prosecutor successfully appealed the verdicts, and a retrial opened in November 2001, and completed sessions in October. The lead judge said the verdict is expected to be announced in January 2003.

There were reports of forced conversions of Coptic girls to Islam. Reports of such cases were disputed and often included inflammatory allegations and categorical denials of kidnaping and rape. Observers, including human rights groups, found it extremely difficult to determine whether compulsion was used, as most cases involved a Coptic girl who converted to Islam when she married a Muslim. According to the Government, in such cases the girl must meet with her family, with her priest, and with the head of her church before she is allowed to convert. However, there were credible reports of government harassment of Christian families that attempted to regain custody of their daughters. The law states that a marriage of a girl under the age of 16 is prohibited, and between the ages of 16 and 21 is illegal without the approval and presence of her guardian. The authorities also sometimes failed to uphold the law in cases of marriage between underage Christian girls and Muslim boys.

There is no legal requirement for a Christian girl or woman to convert to Islam in order to marry a Muslim. However, if a Christian woman marries a Muslim man, the Coptic Orthodox Church excommunicates her. Ignorance of the law and societal pressure, including the centrality of marriage to a woman's identity, often affect her decision. Family conflict and financial pressure also are cited as factors. Conversion is regarded as a disgrace to the convert's family, so most Christian families would object strongly to a daughter's wish to marry a Muslim. If a Christian girl converts to Islam, her family loses guardianship, which transfers to a Muslim custodian, who is likely to grant approval. The law is silent on the matter of the acceptable age of conversion.

In April a court ruled in the case of Iman 'Atiya Soliman, born a Christian in 1982, who "disappeared," or was "kidnaped," (according to her family) in 1999, reportedly converted to Islam in 1999, and married in 2000. The girl's father sued for custody and abolition of the marriage, alleging that authorities had issued her a falsified identity card, which showed her to be 22 at the time of her marriage. The court ruled that the father lost custody of his daughter when she converted to Islam.

Anti-Semitism is found in both the progovernment press and in the press of the opposition parties, and increased late in 2000 and again during the year following the outbreak of violence in Israel and the occupied territories. There were no violent anti-Semitic incidents in recent years directed at the tiny Jewish community.

Dream TV, a station in which the Government had a 10 percent interest, aired a historical drama series titled "Horseman without a Horse." The 41-episode series contained numerous anti-Semitic depictions of Jewish characters and included some references to the forged "Protocols of the Elders of Zion." Following international protests, state-owned Egypt TV, one of many stations in the Middle East that broadcast the series, edited 77 minutes from the program and added a disclaimer, which noted that the historical authenticity of the protocols had never been established and that the series was the result of the author's imagination. There was some direct criticism of the series in the local press, especially for the poor scriptwriting and low production value, but also some criticism of the anti-Semitic material. Progovernment newspapers published a denunciation of the protocols by local historian Abdel Waheb Al-Messiry. In addition, in late December, Presidential advisor Ossama El-Baz published a three-part series in the progovernment newspaper Al-Ahram in which he explained the origins of and criticized the phenomenon of anti-Semitism.

In 1960 President Gamal Abdel Nasser issued a decree banning Baha'i institutions and community activities. All Baha'i community properties, including Baha'i centers, libraries, and cemeteries, were confiscated at that time. The ban has not been rescinded. "Baha'i" is not allowable as a religious identity, which is a required category on official documents. Its prohibition constitutes an infringement on religious freedom.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens and foreigners were free to travel within the country, except in certain military areas. Males who have not completed compulsory military service may not travel abroad or emigrate, although this restriction may be deferred or bypassed under special circumstances. Unmarried women under the age of 21 must have permission from their fathers to obtain passports and travel. Married women no longer legally require the same permission from their husbands; however, in practice police reportedly still required such permission in most cases (*see* Section 5). Citizens who leave the country had the right to return.

The Constitution provides for the granting of asylum and refugee status in accordance with the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government maintained several reservations to the convention that limited the ease with which the refugee population could integrate locally. Because the country lacked national legislation or a legal framework governing the granting of asylum, the Office of the U.N. High Commissioner for Refugees (UNHCR) assumed full responsibility for the determination of refugee status on behalf of the Government. The Government generally cooperated with the UNHCR and treated refugees in accordance with minimum standards and agreed arrangements. The UNHCR provided recognized refugees with a refugee identification card that was considered a residence permit and bore the stamp of the national authorities. Refugees generally may not obtain citizenship. During the year, approximately 9,000 recognized refugees, the majority of whom were Sudanese, resided in the country, in addition to the 70,000 Palestinian refugees registered with government authorities. There were also approximately 16,000 asylum seekers awaiting status determination. Although there was no pattern of abuse of refugees, during random

security sweeps the Government temporarily detained some refugees who were not carrying proper identification. Following intervention by the UNHCR, the refugees were released.

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

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

The ruling National Democratic Party dominated the 454-seat People's Assembly, the 264-seat Shura Council, local governments, the mass media, labor, and the large public sector, and controlled the licensing of new political parties, newspapers, and private organizations to such an extent that, as a practical matter, citizens did not have a meaningful ability to change their government.

In September 1999, President Hosni Mubarak was elected unopposed to a fourth 6-year term in a national referendum. According to official results, he received 94 percent of the vote. Mubarak had been previously nominated by the People's Assembly. Under the Constitution, the electorate is not presented with a choice among competing presidential candidates.

Despite the overall improvement in the electoral process, there still were problems affecting the fairness of the 2000 parliamentary elections, particularly in the period leading up to elections and outside some polling stations on election day. During the months preceding the elections, the Government arrested thousands of members of the Muslim Brotherhood on charges of belonging to an illegal organization. Most observers believed that the Government was seeking to undermine the Muslim Brotherhood's participation in the People's Assembly and professional syndicate elections through intimidation. In addition, previous convictions on such charges legally precluded many potential candidates from running.

The People's Assembly debated government proposals, and members exercised their authority to call cabinet ministers to explain policy. The executive initiated almost all legislation. The Assembly exercised limited influence in the areas of security and foreign policy, and retained little oversight of the Interior Ministry's use of Emergency Law powers. Many executive branch initiatives and policies were carried out by regulation through ministerial decree without legislative oversight. Votes generally were reported in aggregate terms of yeas and nays, and thus constituents had no independent method of checking a member's voting record.

The Shura Council, the upper house of Parliament, had 264 seats; two-thirds of which were elected and one-third of which were appointed by the President. In 2001 President Mubarak appointed 45 members to the Shura Council, including 8 women and 4 Christians.

There were 16 recognized opposition parties. In 2001 the courts accepted one party, El Geel ("the generation") Democratic Party and upheld the Political Parties Committee's rejection of the Republican Party. Seven appeals were pending before the Administrative Court by parties that had been rejected by the Political Parties Committee.

The Political Parties Committee also may withdraw recognition from existing political parties. The Labor Party, which lost recognition in 2000 under similar circumstances, remained suspended (*see* Section 2.a.).

The Muslim Brotherhood remained an illegal organization and may not be recognized as a political party under the law, which prohibits political parties based on religion. Muslim Brotherhood members were known as such publicly and openly spoke their views, although they did not explicitly identify themselves as members of the organization. They remained subject to government pressure (*see* Section 1.d.). Seventeen candidates affiliated with the Muslim Brotherhood were elected to the People's Assembly (as independents) in 2000.

In November several opposition parties and human rights organizations announced the formation of a coalition termed the "Committee for the Defense of Democracy." The committee's stated mandate was to advocate political and economic reforms. The committee's first objectives were to block the extension of the Emergency Law (in force since 1981 and due for renewal in May 2003) and to oppose implementation of a law that regulates NGOs.

The total number of women in the People's Assembly was 11. The total number of People's Assembly members from religious minorities (all Christian) was seven. Two women and 2 Christians served among the 32 ministers in the Cabinet. There were no women and no non-Muslims on the Supreme Court.

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

In June the Government passed a law governing the regulation and operation of NGOs. The new law replaced one struck down by the Supreme Constitutional Court in June 2000 on procedural grounds. The new law, and its subsequent implementing regulations, were controversial and drew criticism from local NGOs and international activists, some of whom charged that the law and regulations placed unduly burdensome restrictions on NGO operations. Of particular concern was a new provision in the law that granted the Minister of Social Affairs the authority to dissolve an NGO by decree, rather than requiring a court order.

The status of many NGOs remained unclear during the year, as their previous registrations were invalidated with the annulment of Law 153/1999. Under the implementing regulations of the new law, issued on October 23, NGOs were given 1 year in which to reregister. No human rights organizations were registered as NGOs during the year. Several human rights organizations that applied for registration in 1999 or 2000, including the EOHR, HRCAP, and CIHRS, were not registered by year's end (*see* Section 2.b.).

Despite years of nonrecognition, the EOHR and other groups at times obtained the cooperation of government officials. EOHR field workers visit some prisons in their capacity as legal counsel, but not as human rights observers. They call on some government officials and receive funding from foreign human rights organizations. In an unusual and positive development, in September 2001 the Ministry of Interior issued a detailed written rebuttal to a March 2001 report by the HRCAP regarding torture and lawsuits related to torture (*see* Section 1.c.).

Government restrictions on NGO activities, including limits on organizations' ability to accept funding, continued to inhibit significantly reporting on human rights abuses. The case of Saad Eddin Ibrahim, director of the Ibn Khaldoun Center for Development Studies, had a significant deterrent effect on the work of human rights organizations, which existed largely on foreign funding (*see* Sections 1.e. and 2.a.).

During the year the Government permitted the CIHR and other human rights organizations, including HRCAP, EOHR, Arab Center for Independence of Judiciary, and "The Land Center," to hold conferences and to participate in international conferences.

In July LCHR issued a statement signed by eight other human rights organizations in which they complained of harassment by security officials and the Azbakiya Public Prosecutor's office regarding its irregular publication "Al Ard." According to LCHR, a prosecutorial investigation was continuing at year's end (*see* Section 2.b.).

The Government generally cooperated with international organizations. However, it has not agreed to a requested visit by the UNCHR Special Rapporteur on Torture, according to the delegate to the November session of the CAT, because of an incompatibility of timetables (*see* Section 1.c.).

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

The Constitution provides for equality of the sexes and equal treatment of non-Muslims; however, aspects of the law and many traditional practices discriminated against women and religious minorities.

Women.—Domestic violence against women was a significant problem and was reflected in press accounts of specific incidents. The law does not prohibit spousal abuse specifically; provisions of law relating to assault in general are applied. According to a 1995 national study, one of every three women who have ever been married had been beaten at least once during marriage. Among those who had been beaten, less than half had ever sought help. Due to the value attached to privacy in the country's traditional society, abuse within the family rarely was discussed publicly. Spousal abuse is grounds for a divorce; however, the law requires the plaintiff to produce eyewitnesses, a difficult condition to meet. Several NGOs offered counseling, legal aid, and other services to women who were victims of domestic violence. Activists believed that in general the police and the judiciary considered the "integrity of the family" more important than the well being of the woman. The Ministry of Insurance and Social Affairs operated more than 150 family counseling bureaus nationwide, which provided legal and medical services.

The Government prosecuted rapists, and punishment for rape ranges from 3 years in prison to life imprisonment with hard labor. Although reliable statistics regarding rape were not available, activists believed that it was not uncommon, despite strong social disapproval. If a rapist is convicted of abducting his victim, he is subject to execution. Marital rape is not illegal.

"Honor killings" (a man murdering a female for her perceived lack of chastity) were not common. In practice the courts sentenced perpetrators of honor killings to

lesser punishments than those convicted in other cases of murder. There were no reliable statistics regarding the extent of honor killings.

FGM was common despite the Government's commitment to eradicating the practice and NGO efforts to combat it. Traditional and family pressures remained strong; a study conducted in 2000 estimated the percentage of women who have ever been married and had undergone FGM at 97 percent. The survey showed that attitudes may be changing slowly; over a 5-year period, the incidence of FGM among the daughters (from ages 11 to 19) of women surveyed fell from 83 to 78 percent. FGM was equally prevalent among Muslims and Christians.

In 1996 the Minister of Health and Population issued a decree banning FGM. In addition to attempting to enforce the decree, the Government supported a range of efforts via television and by religious leaders to educate the public. However, illiteracy impedes some women from distinguishing between the deep-rooted tradition of FGM and religious practices. Moreover, many citizens believed that FGM was an important part of maintaining female chastity, and the practice was supported by some Muslim religious authorities and Islamist political activists.

Prostitution and sex tourism are illegal but occurred, mostly in Cairo and Alexandria.

Sexual harassment is not prohibited specifically by law; there were no statistics available regarding its prevalence.

The law provides for equality of the sexes; however, aspects of the law and many traditional practices discriminated against women. By law unmarried women under the age of 21 must have permission from their fathers to obtain passports and to travel. Married women do not, but police sometimes did not apply the law consistently. Only males may confer citizenship; children born to women with foreign husbands are not conferred the benefits of citizenship. In rare cases, this meant that children born to Egyptian mothers and stateless fathers were themselves stateless. A woman's testimony is equal to that of a man's in the courts. There is no legal prohibition against a woman serving as a judge, although in practice no women served as judges. At year's end, the Court of Cassation still was examining the cases of two female attorneys, Fatma Lashin and Amany Talaat, who challenged the Government's refusal to appoint them as public prosecutors. (To become a judge, one must first serve as a public prosecutor.)

Laws affecting marriage and personal status generally corresponded to an individual's religion. In 2000 the Parliament passed a new Personal Status Law that made it easier for a Muslim woman to obtain a divorce without her husband's consent, provided that she was willing to forego alimony and the return of her dowry. (The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion.)

Under Islamic law, non-Muslim males must convert to Islam to marry Muslim women, but non-Muslim women need not convert to marry Muslim men. Muslim female heirs receive half the amount of a male heir's inheritance, while Christian widows of Muslims have no inheritance rights. A sole female heir receives half her parents' estate; the balance goes to designated male relatives. A sole male heir inherits all his parents' property. Male Muslim heirs face strong social pressure to provide for all family members who require assistance; however, this assistance is not always provided.

Labor laws provide for equal rates of pay for equal work for men and women in the public sector. According to government figures, women constituted 17 percent of private business owners and occupied 25 percent of the managerial positions in the four major national banks. Educated women had employment opportunities, but social pressure against women pursuing a career was strong, and women's rights advocates claimed that Islamist influence inhibited further gains. Women's rights advocates also pointed to other discriminatory traditional or cultural attitudes and practices, such as FGM and the traditional male relative's role in enforcing chastity.

A number of active women's rights groups worked in diverse areas, including reforming family law, educating women on their legal rights, promoting literacy, and combating FGM.

Children.—The Government remained committed to the protection of children's welfare and attempted to do so within the limits of its budgetary resources. The Child Law provides for privileges, protection, and care for children in general. Six of the law's 144 articles set rules protective of working children (*see* Section 6.d.). Other provisions include a requirement that employers set up or contract with a child care center if they employ more than 100 women; the right of rehabilitation for children with disabilities; a prohibition on sentencing defendants between the ages of 16 and 18 to capital punishment, hard labor for life, or temporary hard labor; and a prohibition on placing defendants under the age of 15 in preventive custody, although the prosecution may order that they be lodged in an "observation

house" and be summoned upon request. International donors provided many of the resources for children's welfare, especially in the field of child immunization.

The Government provided public education, which is compulsory for the first 9 academic years (typically until the age of 15). The Government treated boys and girls equally at all levels of education.

There were no statistics available regarding the prevalence of child abuse.

Children with foreign fathers were not considered citizens and thus could not attend public school or state universities, were barred from certain professional schools, and could not work without meeting foreign residency requirements and obtaining work permits. There were an estimated 400,000 such children in the country.

FGM generally was performed on girls between the ages of 7 and 12 (*see* Section 5, Women).

Persons with Disabilities.—There are no laws specifically prohibiting discrimination against persons with physical or mental disabilities, but the Government made serious efforts to address their rights. It worked closely with U.N. agencies and other international aid donors to design job-training programs for persons with disabilities. The Government also sought to increase the public's awareness of the capabilities of persons with disabilities in television programming, the print media, and in educational material in public schools. There were approximately 5.7 million persons with disabilities, of whom 1.5 million were disabled severely.

By law all businesses must designate 5 percent of their jobs for persons with disabilities, who are exempt from normal literacy requirements. Although there was no legislation mandating access to public accommodations and transportation, persons with disabilities may ride government-owned mass transit buses free of charge, were given priority in obtaining telephones, and received reductions on customs duties for private vehicles. A number of NGOs were active in efforts to train and assist persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—There are no legal obstacles to establishing private sector unions, although such unions were not common. Workers may join trade unions but are not required to do so. A union local, or workers' committee, may be formed if 50 employees express a desire to organize. Most union members, about one-quarter of the labor force, were employed by state-owned enterprises. Unionization decreased in the past several years as a result of early retirement plans in public sector enterprises, and the privatization of many of these enterprises. The law stipulates that "high administrative" officials in government and in public sector enterprises may not join unions.

There were 23 trade unions, all required to belong to the Egyptian Trade Union Federation (ETUF), the sole legally recognized labor federation. The International Labor Organization's (ILO) Committee of Experts repeatedly emphasized that a law that requires all trade unions to belong to a single federation infringes on freedom of association. The ILO also consistently criticized ETUF control over the nomination and election procedures for trade union officers, as well as the lack of protection of the right of workers' organizations to organize their administration, including their financial activities, without interference from public authorities. However, the Government showed no sign that it intended to accept the establishment of more than one federation. ETUF officials had close relations with the NDP, and some were members of the People's Assembly or the Shura Council. They spoke vigorously on behalf of worker concerns, but public confrontations between the ETUF and the Government were rare.

Some unions within the ETUF were affiliated with international trade union organizations. Others were in the process of becoming affiliated.

b. The Right to Organize and Bargain Collectively.—Collective bargaining did not exist in any meaningful sense because by law the Government sets wages, benefits, and job classifications. The ILO for years claimed that the Labor Code undermined the principle of voluntary bargaining by providing that any clause of a collective agreement that might impair the economic interest of the country was null and void. Under the law, unions may negotiate work contracts with public sector enterprises if the latter agree to such negotiations, but unions otherwise lacked collective bargaining power in the public sector.

The labor laws do not provide adequately for the right to strike. The Government considered strikes a form of public disturbance and therefore illegal. Workers who strike may face prosecution and prison sentences of up to 2 years; however, there were no such prosecutions during the year.

There were approximately a dozen strikes during the year. Strikes mainly concerned delayed payment of salaries, wage cuts, terminations, increased working hours, and suspension of job promotions. In one incident, 170 subway assistant drivers staged a hunger strike for more than 1 week because they were not promoted. The strike was significant because it took place in one of the "public utilities that provide vital services." Under the new labor law that was approved in June, workers in such utilities are denied the right to strike. Some members of parliament have threatened to challenge the constitutionality of the new law.

Firms, apart from large ones in the private sector, generally did not adhere to government-mandated standards. Although they are required to observe some government practices, such as the minimum wage, social security insurance, and official holidays, firms often did not adhere to government practice in nonbinding matters, including award of the annual Labor Day bonus.

Labor law and practice are the same in the six existing export processing zones (EPZs) as in the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced labor, and domestic and foreign workers generally are not subject to coerced or bonded labor; however, the Criminal Code authorizes sentences of hard labor for some crimes. The law does not prohibit specifically forced and bonded labor by children. In April the Government signed and ratified ILO Convention 182 on the Worst Forms of Child Labor (*see* Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was widespread and the Government took seriously the problem of child labor; however, in general it did not devote adequate resources to implement its child labor policies. The minimum age for employment is 14 years of age in nonagricultural work. UNICEF reported on the widespread practice of poor rural families making arrangements for a daughter to be employed as a domestic servant in the homes of wealthy citizens (*see* Section 6.c.).

The Labor Law of 1996 and associated ministerial decrees greatly limit the type and conditions of work that children below the age of 18 may perform legally. Provincial governors, with the approval of the Minister of Education, may authorize seasonal work for children between the ages of 12 and 14, provided that duties are not hazardous and do not interfere with schooling. During the summer, the President and the Ministry of Education authorized governors to delay the start of the school year in their governorates pending the end of the crop season. According to media reports, one provincial governor delayed school for 1 week pending the end of a crop season.

Preemployment training for children under the age of 12 is prohibited. Children are prohibited from working for more than 6 hours a day and one or more breaks totaling at least 1 hour must be included. Children may not work overtime, during their weekly day off, between 8 p.m. and 7 a.m., or for more than 4 hours continuously.

The Government continued to take steps during the year to address the problem of child labor. The Government worked closely during the year with international organizations—in particular UNICEF and the ILO—as well as international and domestic NGOs and labor unions to implement programs designed to address child labor and its root causes.

In 2000 the Ministry of Manpower child labor unit created a database for tracking child labor in the country and inspectors began raids to uncover violations in 2001. However, the Government did not take any effective action against employers, as the fines assessed were as low as $9 (20 Egyptian pounds), which did not deter violators. Inspection raids increased during the year. In 2001 The Minister of Justice also issued decree 2235, establishing the General Department for Judicial Protection for Children.

Statistical information regarding the number of working children was difficult to obtain and often out-of-date. NGOs estimated that up to 1.5 million children worked. Government studies indicate that the concentration of working children was higher in rural than in urban areas. Nearly 78 percent of working children were in the agricultural sector. However, children also worked in light industry. The Central Agency for Public Mobilization and Statistics (CAPMAS) conducted at the request of NCCM a household survey on child labor in 2001–02 that was analyzed by the NCCM for policy formulation. Results of the survey are expected to be made public in 2003.

While local trade unions reported that the Ministry of Labor adequately enforced the labor laws in state-owned enterprises, enforcement in the private sector, especially in the informal sector, was lax. Many working children were abused, overworked, and exposed to potentially hazardous conditions by their employers, and the

restrictions in the Child Law have not improved conditions due to lax enforcement on the part of the Government.

The law does not prohibit specifically forced and bonded labor by children.

The NCCM is taking the lead on formulating a national plan to eliminate hazardous forms of child labor that exist in the country.

e. Acceptable Conditions of Work.—During the year, the minimum wage for government and public sector employees increased to $81 (176 Egyptian pounds) per month for a 6-day, 36-hour workweek. The Labor Law stipulates that 48 hours is the maximum number of hours that may be worked in 1 week. Overtime for hours worked beyond 36 per week is payable at the rate of 25 percent extra for daylight hours and 50 percent extra for nighttime hours. The law also stipulates a maximum of 7 hours per day and 42 hours per week for work in "hazardous industries." Some government agencies instituted a 5-day, 36-hour workweek. The nationwide minimum wage generally was enforced effectively regarding larger private companies; however, smaller firms did not always pay the minimum wage. The minimum wage did not provide a decent standard of living for a worker and family; however, base pay commonly was supplemented by a complex system of fringe benefits and bonuses that may double or triple a worker's take-home pay and provide a decent standard of living.

The Ministry of Labor set worker health and safety standards, which also apply in the EPZs; however, enforcement and inspections were uneven.

The law prohibits employers from maintaining hazardous working conditions, and workers had the right to remove themselves from hazardous conditions without risking loss of employment.

In August the Minister of Manpower said that the total number of foreign workers holding work and residence permits was 18,177, not including Sudanese, Palestinians, and foreigners married to citizens. Unofficial estimates of undocumented workers were as high as 116,000. Foreign workers with the required permits enjoyed legal protections. There were occasional reports of employer abuse of undocumented workers, especially domestic workers. A few employers were prosecuted during the year for abuse of domestic workers, but many claims of abuse were unsubstantiated because undocumented workers were reluctant to make their identities public.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, the law prohibits prostitution and sex tourism. There were anecdotal reports of trafficking of persons from sub-Saharan Africa and Eastern Europe through the country to Europe and Israel.

IRAN [1]

The Islamic Republic of Iran was established in 1979 after a populist revolution toppled the Pahlavi monarchy. The Constitution, ratified after the revolution by popular referendum, established a theocratic republic and declared as its purpose the establishment of institutions and a society based on Islamic principles and norms. The Government is dominated by Shi'a Muslim clergy. The Head of State, Ayatollah Ali Khamene'i, was the Supreme Leader of the Islamic Revolution and has direct control over the armed forces, the internal security forces, and the judiciary. Mohammad Khatami was elected to a second 4-year term as President in a popular vote in June 2001, with 77 percent of the vote. A popularly elected 290-seat unicameral Islamic Consultative Assembly, or Majles, develops and passes legislation. Reformers and moderates won a landslide victory in the February 2000 Majles election, and constituted a majority of that body; however, the Council of Guardians and other elements within the Government blocked much of the early reform legislation passed by the Majles. A Council of Guardians reviewed all legislation passed by the Majles for adherence to Islamic and constitutional principles. The Council consisted of six clerical members, who are appointed by the Supreme Leader, and six lay jurists (legal scholars), who are nominated by the head of the judiciary and approved by the Majles. The Constitution provides the Council of Guardians the power to screen and disqualify candidates for elective offices based on an ill-defined set of requirements, including candidates' ideological beliefs. According to Human Rights Watch (HRW), the Council of Guardians rejected the candidacy of 145 out of the 356 candidates who filed to run for 17 seats in the special Majles election held concurrently with the Presidential election in June 2001. This constituted a far

[1] The United States does not have an embassy in Iran. This report draws heavily on non-U.S. Government sources.

higher percentage than were rejected in the February 2000 Majles elections. The judiciary was subject to government and religious influence.

Several agencies shared responsibility for internal security, including the Ministry of Intelligence and Security, the Ministry of Interior, and the Revolutionary Guards, a military force that was established after the revolution. Paramilitary volunteer forces known as Basijis, and gangs of men known as the Ansar-e Hezbollah (Helpers of the Party of God), acted as vigilantes, and intimidated and physically threatened demonstrators, journalists, and persons suspected of counterrevolutionary activities. The Ansar-e Hezbollah often were aligned with particular members of the leadership. Both the regular and the paramilitary security forces committed numerous serious human rights abuses.

The country had a mixed economy that was heavily dependent on export earnings from the country's extensive petroleum reserves. The country had a population of approximately 66,000,000. The Constitution mandates that all large-scale industry be publicly owned and administered by the State. Large charitable foundations called bonyads, most with strong connections to the Government, controlled the extensive properties and business expropriated from the Pahlavi family and from other figures associated with the monarchy. The bonyads exercised considerable influence on the economy, but neither accounted publicly for revenue nor paid taxes. Legislation was introduced in the Majlis during the year, which would require the bonyads to pay taxes at the rate of 25 percent. It was not yet clear if this legislation became law. The Government heavily subsidized basic foodstuffs and energy costs. Private property rights were largely respected. Economic performance was generally tied to the price of oil, whose exports accounted for nearly 80 percent of foreign exchange earnings. Government mismanagement and corruption also negatively affected economic performance. Unemployment was estimated to be between 20 and 25 percent, and inflation at approximately 18 to 20 percent.

The Government's human rights record remained poor, and deteriorated substantially during the year, despite continuing efforts within society to make the Government accountable for its human rights policies. The Government denied citizens the right to change their government. Systematic abuses included summary executions; disappearances; widespread use of torture and other degrading treatment, reportedly including rape; severe punishments such as stoning and flogging; harsh prison conditions; arbitrary arrest and detention; and prolonged and incommunicado detention.

On occasion there were judicial proceedings against government officials for misconduct; however, perpetrators usually remained unpunished. The influence of conservative government clerics, which pervaded the judiciary, often prevented citizens from receiving due process or fair trials. The Government used the judiciary to stifle dissent and obstruct progress on human rights. The Government infringed on citizens' privacy rights, and restricted freedom of speech, press, assembly, and association.

The Government restricted freedom of religion, particularly for Baha'is. The Government controlled the selection of candidates for elections. An intense political struggle continued during the year between a broad popular movement that favored greater liberalization in government policies, particularly in the area of human rights, and certain hard-line elements in the Government and society, which viewed such reforms as a threat to the survival of the Islamic republic. In many cases, this struggle was played out within the Government itself, with reformists and hard-liners squaring off in divisive internal debates. In August President Khatami introduced two bills in the Majles designed to enhance his Presidential powers. One would remove the right of the Guardian Council to veto candidates running for elections. The bills were passed and awaited ratification by the Guardian Council at year's end. As in the past, reformist members of Parliament were harassed, and for the first time, were prosecuted and jailed for statements made under cover of parliamentary immunity. Khatami's June 2001 reelection did not appear to have resulted in meaningful reform. On the contrary, the repression of reformers, including parliamentarians, continued and intensified.

The Government restricted the work of human rights groups and denied entry to the U.N. Special Representative for Iran of the Commission on Human Rights (UNSR) during the period of his mandate. The UNSR's mandate ended during the year with the defeat of the resolution at the Commission on Human Rights (CHR) in April. Violence against women occurred, and women faced legal and societal discrimination. The Government discriminated against religious and ethnic minorities and severely restricted workers' rights, including freedom of association and the right to organize and bargain collectively. Child labor persisted. Vigilante groups, with strong ties to certain members of the Government, enforced their interpreta-

tion of appropriate social behavior through intimidation and violence. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government has been responsible for numerous killings, and during the year there were reportedly executions that took place following trials in which there was a lack of due process. As in the past, there were incidents of security forces using excessive force while suppressing demonstrations.

In January two teachers were arrested during a demonstration against low wages and poor working conditions. After they were hospitalized due to injuries they received at the demonstration, their families believed that they died while in custody (*see* Section 2.b.).

There were anecdotal reports of security forces killing persons during the October 2001 "soccer riots." The Government acknowledged that it arrested hundreds of persons, but denied that anyone was killed (*see* Sections 1.f., 2.a., and 2.b.).

The controversy around the killings of several prominent dissidents and intellectuals in late 1998 continued. The case involved the killings, over a 2-month period from October to December 1998, of prominent political activists Darioush Forouhar and Parvaneh Forouhar and writers Mohammad Mokhtari and Mohammad Pouandeh. Political activist Pirouz Davani disappeared in the same time period and has never been found (*see* Section 1.b.). Human Rights Watch (HRW) reported that in January 2001, a court convicted fifteen out of the eighteen defendants for the killings. However, HRW also reported that the trial did not clarify who actually ordered the murders. Several Ministry of Intelligence officials were mentioned as possible suspects in the press, but they were not charged, and the trial did not produce any incriminating information regarding their involvement. In August 2001, the Supreme Court reversed the convictions of the fifteen officials and sent the case back to the Judicial Organization of the Armed Forces (JOAF) for further review. In May, the JOAF withdrew two of the three death sentences after the families of the victims pardoned the murderers. However, the court sentenced them to ten years in prison and banned them from service in the Intelligence Ministry. The court reduced the prison sentences of several other defendants believed to be complicit in the case while leaving the rest intact. None of the original fifteen were pardoned or set free by year's end. There was no further information, but all of the defendants were likely appealing the May verdicts.

The UNSR reported in August 2001 that these extrajudicial killings continued to cause controversy about what is perceived to be the Government's cover-up of involvement of high-level officials in the affair. Several citizens, including prominent investigative journalist Akbar Ganji, were arrested in connection with statements they made about the case (*see* Sections 1.d. and 1.e.). The UNSR also reported rumors suggesting that there were more than 80 killings or disappearances over a 10-year period as part of a wider campaign to silence dissent.

Many members of religious minority groups, including the Baha'is, evangelical Christians, and Sunni clerics were killed in recent years, allegedly by government agents or directly at the hands of authorities.

The Government announced in September 1998 that it would take no action to threaten the life of British author Salman Rushdie, or anyone associated with his work, The Satanic Verses, despite the issuance of a fatwa against Rushdie's life in 1989. The announcement came during discussions with the United Kingdom regarding the restoration of full diplomatic relations. Several revolutionary foundations and a number of Majles deputies within the country repudiated the Government's pledge and emphasized the "irrevocability" of the fatwa, or religious ruling, by Ayatollah Khomeini in 1989, calling for Rushdie's murder. The 15 Khordad Foundation raised the bounty it earlier had established for the murder of Rushdie.

A November 1995 law criminalized dissent and applied the death penalty to offenses such as "attempts against the security of the State, outrage against high-ranking officials, and insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic." Citizens continued to be tried and sentenced to death in the absence of sufficient procedural safeguards. Although domestic press stopped reporting most executions, according to international reports they continued in substantial numbers. No figures were available for the year. The UNSR, based on media reports, cited an estimated 60 executions from January through July 2001, a decrease from 130 during the same period the year before. The Government did not cooperate in providing the UNSR with a precise number of executions carried out in 2001.

During the period on which he reported, the UNSR reported that approximately two thirds of the executions took place in public, contrary to regulations, and that state television broadcasted scenes from hangings on at least two occasions during 2001. He also noted that a woman was hanged publicly in March 2001. Exiles and human rights monitors alleged that many of those executed for criminal offenses, such as narcotics trafficking, actually were political dissidents. Supporters of outlawed political organizations, such as the Mujahedin-e-Khalq organization, were believed to make up a large number of those executed each year.

Press reports indicated that three men were publicly hanged in January for the crimes of murder and rape. Reportedly, five men convicted of a series of attacks on women in Tehran were publicly executed during the year, and their bodies driven through the city on mobile cranes.

The Democratic Party of Iranian Kurdistan (PDKI), an opposition party, alleged that the Government arrested Habibullah Tanhaeyan from the city of Sanandaj on December 11, and executed him on December 15 after four days of interrogation and torture. The PDKI also reported the execution of one of its members, Karim Toujali, in January, and of four Kurdish political prisoners in October. Other sources claimed the number executed in October was three or five. The party said that the prisoners were tortured before they were executed. The Society for the Defense of Human Rights in Iran (SDHRI) claimed that the families of the executed prisoners were not informed of either their trials or their convictions, and that the prisoners were tortured before they were executed. SDHRI confirmed the PDKI's report that the bodies were turned over to them only on condition that they be buried at night and without ceremony. The PDKI claimed that 12 of the 110 party members remaining in jail at the end of the year were sentenced to death.

b. Disappearance.—No reliable information was available regarding the number of disappearances during the year.

Siamak Pourzand, husband of human rights lawyer Mehrangiz Kar and the manager of the Tehran Cultural Center, disappeared in Tehran in November 2001. He was held incommunicado for several months before his disappearance.

Pirouz Davani, a political activist who disappeared in late 1998 along with several other prominent intellectuals and dissidents who were later found killed, remained unaccounted for, and was believed to have been killed for his political beliefs and activism (*see* Section 1.a.).

According to the National Spiritual Assembly of the Baha'is of the United States, since 1979 more than 200 Baha'is have been killed and 15 have disappeared and are presumed dead.

The group "Families of Iranian Jewish Prisoners:" (FIJP) publicized the names of twelve Iranian Jews who disappeared while attempting to escape from the country in the 1990s. They disappeared while being smuggled out of the country during a period when Jews were not being issued passports to be able to travel freely. Babak Shaoulian Tehrani and Shaheen Nikkhoo disappeared in June 1994; Behzad (Kamran) Sakaru and Farhad Ezzati in September 1994; Homayoun Balazadeh, Omid Solouki, Reuben Cohan-Masliah, and Ibrahim Cohan-Masliah in December 1994; Syrus Gaharamany, Ibrahim Gaharamany, and Norallah Rbizadeh (Felfeli) in February 1997, and Es-haagh Hassid (Hashid) in February 1997. Their families have had no contact with them since the dates of their disappearance, but have heard anecdotal stories that some of them were alive and being held in prison. The Government has not given out any information on their whereabouts and has not charged any of them with crimes. FIJP believes that the Government dealt with these cases differently than with other cases of persons being captured while trying to escape from the country because these twelve persons were Jewish (*see* Section 2.c.).

A Christian group reported that between 15 and 23 Iranian Christians disappeared between November 1997 and November 1998 (*see* Section 2.c.). Those who disappeared were reportedly Muslim converts to Christianity whose baptisms had been discovered by the authorities. The group that reported the figure believes that most or all of those who disappeared were killed.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids the use of torture; however, there were numerous credible reports that security forces and prison personnel continued to torture detainees and prisoners. Some prison facilities, including Tehran's Evin prison, were notorious for the cruel and prolonged acts of torture inflicted upon political opponents of the Government. Common methods included suspension for long periods in contorted positions, burning with cigarettes, sleep deprivation, and most frequently, severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Prisoners also reported beatings about the ears, inducing partial or com-

plete deafness, and punching in the eyes, leading to partial or complete blindness. Stoning and flogging are prescribed expressly by the Islamic Penal Code in the country as appropriate punishments for adultery.

In March the Majlis passed a bill to end torture and forced confessions. However, the Council of Guardians reportedly vetoed the bill in June, arguing that the bill would limit the authority of judges to adjudicate on the admissibility of confessions and therefore was against the principles of Islam.

In July in a new effort to combat "un-Islamic behavior" and social corruption among the young, the Government announced the formation of a new "morality force." The force was meant to enforce the Islamic Republic's strict rules of moral behavior. Press reports indicated that members of this force chased and beat persons in the streets for offenses such as listening to music, or in the case of women, wearing makeup or clothing that was not modest enough (*see* Section 1.f.).

In early December, all eleven female parliamentarians indicated that they would present a bill that would outlaw stoning as punishment for adultery. Stoning in the country was widespread after the revolution, but has been rare in recent years. A few persons were sentenced to death by stoning this year, while at least two persons were stoned in 2001.

In December authorities informed European Union human rights negotiators during their visit to begin a human rights dialog that stoning was to be abolished as a form of capital punishment. According to press reports, the judiciary chief issued an internal directive instructing judges to use prison terms and other forms of punishment in place of stoning for the crime of adultery. It was not clear at year's end if this new directive will be implemented.

Harsh punishments were carried out, including stoning and flogging. The UNSR reported the stoning deaths of two women and the sentencing to death by stoning of at least one other during 2001. He cited press reports of the May stoning death of an unnamed 35-year-old woman at Evin Prison in Tehran, who was arrested 8 years earlier on charges of appearing in pornographic films. The UNSR reported that a woman was sentenced in June to death by stoning for the murder of her husband. He also reported that the Supreme Court upheld the sentence of death by public stoning of 38-year-old Maryam Ayoubi, who was convicted for the murder of her husband. Her sentence was carried out in Evin Prison in July. The law also allows for the relatives of murder victims to take part in the execution of the killer.

Siamak Pourzand, the husband of human rights lawyer Mehrangiz Kar, was tried in March behind closed doors, charged with "undermining state security through his links with monarchists and counter-revolutionaries." In May he was sentenced to 11 years in prison. Press reports said that he had confessed to his crimes at his trial, but his wife claimed that the confession was extracted under duress. Pourzand was provisionally released from prison in November, but it was still unclear at year's end if was granted unconditional freedom. Pourzand suffered severe health problems while held incommunicado, reportedly including a heart attack, and was allegedly denied proper medical treatment.

According to press reports, in July, a court in Khuzestan Province sentenced a woman "to be made blind in public" after she blinded a man she had alleged was harassing her by throwing acid at him. She appealed the sentence. There was no information available as to the outcome of the case at year's end.

In October two thieves convicted of more than thirty robberies each reportedly had four fingers amputated in a public ceremony.

During 2001 HRW reported that public floggings were increasingly used for a wide range of social offenses, including breaches of the dress code. As an example, eight men convicted of drinking alcohol and causing public disturbance were reportedly flogged publicly in Tehran, with each man receiving seventy to eighty lashes. HRW also reported that clashes between police and demonstrators broke out at public floggings and executions in Tehran in July and August 2001 when protesters demonstrated against these forms of punishment.

In November 2000, investigative journalist Akbar Ganji went on trial for statements he allegedly made during an April 2000 conference in Berlin regarding the country's politics (*see* Sections 1.a. and 1.e.). He was arrested upon his return to the country and held over the next 6 months for long periods in solitary confinement. Ganji told the court that he was beaten and tortured in prison. Ganji previously had written articles implicating former President Rafsanjani in a series of killings of dissidents and intellectuals, apparently carried out by security forces.

In July 1999, the Government and individuals acting with the consent of the authorities used excessive force in attacking a dormitory during student protests in Tehran, including reportedly throwing students from windows. Approximately 300 students were injured in the incident. The UNSR noted numerous credible reports

that students arrested following the demonstration were tortured in prison (*see* Section 2.b.).

Prison conditions were harsh. Some prisoners were held in solitary confinement or denied adequate food or medical care in order to force confessions. Female prisoners reportedly have been raped or otherwise tortured while in detention. Prison guards reportedly intimidated family members of detainees and tortured detainees in the presence of family members.

In his August 2001 report, the UNSR noted that the head of the National Prisons Organization (NPO) had told him that the prison population had risen 40 percent over the previous year. Previously, the UNSR had received reports about prisoner overcrowding and unrest, along with little space available for each prisoner.

The UNSR reported that much of the prisoner abuse occurred in unofficial detention centers run by the secret service and military. The UNSR further reported that according to the head of the NPO, the unofficial detention centers officially were brought under the control of the NPO during 2001. In the UNSR's 2001 report, the UNSR was unable to determine whether the change actually had taken place, and whether it had impacted the number of cases of prisoner abuse. HRW has reported that Prison 59 in Tehran, which is located in a Revolutionary Guard compound, was the only remaining prison not brought under the jurisdiction of the NPO. Access to Prison 59 was denied, including to Members of Parliament and the President's staff.

The Iranian Human Rights Working Group (IHRWG), an Internet-based human rights NGO, reported that conditions for political prisoners deteriorated during the year.

In August 2001, a parliamentary group investigating abuses committed by state institutions reportedly cited a large increase in the number of persons being imprisoned, more than two-thirds of them for drug-related offenses. It also noted that HIV/AIDS and other diseases were spreading rapidly throughout the prison population.

Other than the International Committee of the Red Cross (ICRC), the Government did not permit visits to imprisoned dissidents by human rights monitors (*see* Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, these practices remained common. There was reportedly no legal time limit for incommunicado detention, nor any judicial means to determine the legality of detention. In the period immediately following arrest, many detainees were held incommunicado and denied access to lawyers and family members. Suspects may be held for questioning in jails or in local Revolutionary Guard offices.

The security forces often did not inform family members of a prisoner's welfare and location. Prisoners often were denied visits by family members and legal counsel. In addition, families of executed prisoners did not always receive notification of the prisoners' deaths. Those who did receive such information reportedly were forced on occasion to pay the Government to retrieve the body of their relative.

In May as part of an effort to combat the supposed "decline in public morality," Iranian-American dancer Mohammad Khordadian was arrested for "corrupting the morals of Iranian youth" when he attempted to leave the country at the end of his first visit their. He was imprisoned and then sentenced to a 10-year suspended sentence, a 10-year travel ban, a 3-year ban on attending weddings other than those of close family members and any other public celebrations, and a permanent ban on teaching dance classes. After the verdict was issued, he was released from prison and acquitted of all charges on appeal.

In July the Government permanently dissolved the Freedom Movement, the country's oldest opposition party, and sentenced over thirty of its members to jail terms ranging from 4 months to 10 years on charges of trying to overthrow the Islamic system. Other members were barred from political activity for up to 10 years, and ordered to pay fines in amounts up to more than $6,000.

In September a noted actress who publicly kissed a student of a famous film director at a film festival was also arrested for corrupting public morals.

In March 2001, the authorities provisionally closed the 50-year-old Iran Freedom Movement for "attempting to overthrow the Islamic regime." HRW reported that the initial closure came after the arrest of 21 independent political activists, including a former chancellor of Tehran University. The activists were associated with religious-nationalism, which advocates constitutional Islamic rule and a respect for democratic principles (*see* Section 1.e.). Among those arrested for association with the Freedom Movement was one of its founders, the prominent legal scholar Dr. Seyed Ahmad Sadr Haj Seyed Javadi, and its Secretary General and former government minister Ibrahim Yazdi. Security forces also reportedly ransacked the offices of the Bazargan Cultural Foundation and the Society of Islamic Engineers while searching for suspects.

Mohammed Chehrangi, an advocate for the cultural rights of Azeris, was arrested in December 1999. Azeri groups claimed that Chehrangi was arrested to prevent his registration as a candidate in the February 2000 Majles elections (*see* Section 5).

Numerous publishers, editors, and journalists were either detained, jailed, and fined, or were prohibited from publishing their writings during the year (*see* Section 2.a.). The Government appeared to follow a policy of intimidation toward members of the media whom it considered to pose a threat to the current system of Islamic government.

Adherents of the Baha'i Faith continued to face arbitrary arrest and detention. According to Baha'i sources, four Baha'is remained in prison at the end of the year, including two who were convicted of either apostasy or "actions against God" and sentenced to death, but whose sentences were commuted to life in prison. The Government adhered to a practice of keeping a small number of Baha'is in detention at any given time. Sources claimed that such arrests were carried out to "terrorize" the community and to disrupt the lives of its members. Most of those arrested were charged and then quickly released. However, the charges against them were often not dropped, forcing them to live in a continuing state of uncertainty and apprehension (see section 2.c.). In October 2001 authorities released two Baha'is from prison in Mashad. One of those, whose original death sentence was reduced to 5 ½ years, was released after serving 5 years. The other was released after completing his 4-year sentence, which had been reduced from his original sentence of ten years (*see* Section 2.c.).

The Government enforced house arrest and other measures to restrict the movements and ability to communicate of several senior religious leaders whose views regarding political and governance issues were at variance with the ruling orthodoxy. Several of these figures disputed the legitimacy and position of the Supreme Leader, Ayatollah Ali Khamenei. These clerics included Ayatollah Seyyed Hassan Tabataei-Qomi, who has been under house arrest in Mashad for more than fifteen years, Ayatollah Ya'asub al-Din Rastgari, who has been under house arrest in Qom since late 1996, and Ayatollah Mohammad Shirazi, who died in December 2001 while under house arrest in Qom. Ayatollah Hossein Ali Montazeri, the former designated successor of the late Spiritual Leader, Ayatollah Khomeini, and an outspoken critic of the Supreme Leader, remained under house arrest and heightened police surveillance at year's end (*see* Sections 1.e.and 2.a.). The followers of these and other dissident clerics, many of them junior clerics and students, reportedly were detained in recent years and tortured by government authorities.

Although reliable statistics were not available, international observers believed that hundreds of citizens were detained for their political beliefs.

The Government continued to exchange with Iraq prisoners of war (POWs) and the remains of deceased fighters from the 1980–88 Iran-Iraq war. However, a final settlement of the issue between the two governments was not achieved by year's end.

The Government did not use forced exile, and no information was available regarding whether the law prohibits forced exile; however, the Government used internal exile as a punishment. Many dissidents and ethnic and religious minorities left and continue to leave the country due to a perception of threat from the Government.

e. Denial of Fair Public Trial.—The court system was not independent and was subject to government and religious influence. It served as the principal vehicle of the Government to restrict freedom and reform in the society. U.N. representatives, including the UNSR, and independent human rights organizations continued to note the absence of procedural safeguards in criminal trials.

There are several different court systems. The two most active are the traditional courts, which adjudicate civil and criminal offenses, and the Islamic Revolutionary Courts. The latter were established in 1979 to try offenses viewed as potentially threatening to the Islamic Republic, including threats to internal or external security, narcotics crimes, economic crimes (including hoarding and overpricing), and official corruption. A special clerical court examines alleged transgressions within the clerical establishment, and a military court investigates crimes committed in connection with military or security duties by members of the army, police, and the Revolutionary Guards. A press court hears complaints against publishers, editors, and writers in the media. The Supreme Court has limited authority to review cases.

The judicial system was designed to conform, where possible, to an Islamic canon based on the Koran, Sunna, and other Islamic sources. Article 157 provides that the head of the judiciary shall be a cleric chosen by the Supreme Leader. Ayatollah Mohammad Yazdi resigned as the head of the judiciary in August 1999, and was replaced by Ayatollah Mahmoud Hashemi Shahrudi. The head of the Supreme Court and Prosecutor General also must be clerics.

Many aspects of the prerevolutionary judicial system survived in the civil and criminal courts. For example, defendants have the right to a public trial, may choose their own lawyer, and have the right of appeal. Trials are adjudicated by panels of judges. There is no jury system in the civil and criminal courts. If a situation was not addressed by statutes enacted after the 1979 revolution, the Government advised judges to give precedence to their own knowledge and interpretation of Islamic law, rather than rely on statutes enacted during the Pahlavi monarchy.

Trials in the Revolutionary Courts, in which crimes against national security and other principal offenses are heard, were notorious for their disregard of international standards of fairness. Revolutionary Court judges acted as both prosecutor and judge in the same case, and judges were chosen in part based on their ideological commitment to the system. Pretrial detention often was prolonged and defendants lacked access to attorneys. Indictments often lacked clarity and included undefined offenses such as "antirevolutionary behavior," "moral corruption," and "siding with global arrogance." Defendants did not have the right to confront their accusers. Secret or summary trials of 5 minutes duration occurred. Others were shown trials that were intended merely to highlight a coerced public confession.

The legitimacy of the Special Clerical Court (SCC) system continued to be a subject of debate. The clerical courts, which were established in 1987 to investigate offenses and crimes committed by clerics, and which are overseen directly by the Supreme Leader, were not provided for in the Constitution, and operated outside the domain of the judiciary. In particular, critics alleged that the clerical courts were used to prosecute certain clerics for expressing controversial ideas and for participating in activities outside the sphere of religion, such as journalism.

No estimates were available regarding the number of political prisoners. However, the Government often arrested, convicted, and sentenced persons on questionable criminal charges, including drug trafficking, when their actual "offenses" were political.

The Government frequently charged members of religious minorities with crimes such as "confronting the regime" and apostasy, and conducted trials in these cases in the same manner as threats to national security.

In March after a trial behind closed doors but with his lawyer present, Nasser Zarafshan, the attorney representing the families of the victims of the 1998 extrajudicial killings of dissidents by intelligence ministry officials, was sentenced to five years in prison and seventy lashes. He was charged with leaking confidential information pertaining to the trial. HRW reported that he was also charged with "having weapons and alcohol at his law firm." Zarafshan was originally arrested in October 2000 but released after a month pending trial. HRW stated that Zarafshan never discussed the contents of the investigation openly, but did criticize problems with the investigation of the killings and noted that important information was missing from the court files (*see* Section 1.a.).

In November reformist professor Hashem Aghajari was sentenced to death at a closed trial for the crime of blaspheming against Islam in a speech he gave in Hamedan in June. In addition to the death sentence, he was sentenced to 74 lashes, exile to a remote desert location, eight years in jail, and a ban on teaching for ten years. His attorney appealed the verdict. The death sentence was widely denounced across the political spectrum. President Khatami and hundreds of Majlis members questioned the verdict, noting that the death sentence should not be applied. As a result of protests caused by the case, Supreme Leader Khamenei instructed the Hamedan court to reexamine the case. No decision had been made by the court by the end of the year (*see* Section 2.b.).

There have been unconfirmed reports that Abbas Amir-Entezam, former Deputy Prime Minister and longtime political dissident, was released by year's end. In December 1999, authorities rearrested Amier-Entezam after an interview with him was published in a local newspaper. Amir-Entezam spent much of the past 20 years in and out of prison. Amir-Entezam appealed for a fair and public trial, which has been denied to him. He was a frequent victim of torture in prison and has had numerous medical problems as a result of his torture. Amir-Entezam suffered a ruptured eardrum due to repeated beatings, kidney failure resulting from denial of access to toilet facilities, and an untreated prostate condition. He reported having been taken on numerous occasions before a firing squad and told to prepare for death, only to be allowed to live.

Several other lawyers known for their defense of human rights were also reportedly subjected to persecution, among them Mohammad Dadkhah, who participated in the defense of members of the Iran Freedom Movement. Dadkhah was sentenced to 5 months in jail and banned from practicing law for 10 years (*see* Section 1.d.).

In January 2001, the Revolutionary Court sentenced 7 of 17 writers, intellectuals, and political figures who took part in an April conference in Berlin regarding the

implications of the February 2000 Majles elections (*see* Section 3). The Court reportedly convicted seven of them on the vague charge of "having conspired to overthrow the system of the Islamic Republic."

The 17 defendants included 12 persons who attended the conference and were arrested upon their return to the country. They were charged with taking part in antigovernment and anti-Islamic activities, and included investigative journalist Akbar Ganji, (*see* Sections 1.a. and 1.c.) newspaper editor Mohammed Reza Jalaipour, Member of Parliament Jamileh Kadivar, women's rights activists Mehrangiz Kar and Shahla Lahidji, opposition politician Ezzatollah Sahabi, student leader Ali Afshari, and others, including two translators for the German Embassy in Tehran. The Court convicted three other defendants on lesser charges, imposing fines and suspended sentences, and acquitted seven others. The trial reportedly was closed, and HRW claimed that it violated recognized international free trial standards because several of the defendants were held for months without access to legal counsel. One of the defendants, Sahabi, was provisionally released, but rearrested following public remarks he made in March 2001, and remained in detention without new charges being filed against him at year's end.

During the latter part of 2000, SCC began the trial of Hojatoleslam Hassan Yousefi Eshkevari, a cleric who participated in the Berlin conference, on charges of apostasy and "corruption on earth," which potentially carry the death penalty. Eshkevari had called for more liberal interpretations of Islamic law in certain areas. He was sentenced to death, but the sentence was overturned on appeal in May 2001. He was permitted a 2 day furlough from prison in September 2000. In October, the Special Court for the Clergy commuted his sentence to 7 years, of which he had already served 2 years.

In November 1999, former Interior Minister and Vice President Abdollah Nouri was sentenced by a branch of the SCC to a 5-year prison term for allegedly publishing "anti-Islamic articles, insulting government officials, promoting friendly relations with the United States," and providing illegal publicity to dissident cleric Ayatollah Hossein Ali Montazeri in Khordad, a newspaper that Nouri established in late 1998 and that closed at the time of his arrest. Nouri used the public trial to attack the legitimacy of the SCC. He was released on November 5 (*see* Section.).

Ayatollah Mohammed Yazdi, who resigned as head of the judiciary in August 2000, stated in 1996 that the Baha'i faith was an espionage organization. Trials against Baha'is have reflected this view (*see* Section 2.c.).

The trials in 2000 and 2001 of 13 Jewish citizens on charges related to espionage for Israel were marked throughout by a lack of due process. The defendants were held for more than 1 year without being charged formally or given access to lawyers. The trial was closed, and the defendants were not allowed to choose their own lawyers. Following the trial, defense lawyers told news reporters that they were threatened by judiciary officials and pressured to admit their clients' guilt (*see* Section 2.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution states that "reputation, life, property, (and) dwelling(s)" are protected from trespass except as "provided by law"; however, the Government infringed on these rights. Security forces monitored the social activities of citizens, entered homes and offices, monitored telephone conversations, and opened mail without court authorization.

Organizations such as the Ansar-e Hezbollah, an organization of hard-line vigilantes who seek to enforce their vision of appropriate revolutionary comportment upon the society, harassed, beat, and intimidated those who demonstrated publicly for reform or who did not observe dress codes or other modes of correct "revolutionary" conduct. This included women whose clothing did not cover their hair and all parts of their body except the hands and face, or those who wore makeup or nail polish.

Ansar-e Hezbollah gangs were used to destroy newspaper offices and printing presses, intimidate dissident clerics, and disrupt peaceful gatherings (*see* Sections 2.a. and 2.b.). Ansar-e Hezbollah cells were organized throughout the country and some were reportedly linked to individual members of the country's leadership.

Vigilante violence included attacking young persons considered too "un-Islamic" in their dress or activities, invading private homes, abusing unmarried couples, and disrupting concerts or other forms of popular entertainment. Authorities occasionally entered homes to remove television satellite dishes, or to disrupt private gatherings in which unmarried men and women socialized, or where alcohol, mixed dancing, or other forbidden activities were offered or took place. For example, more than 1,000 satellite dishes were confiscated after the October 2001 soccer riots, according to press reports (*see* Sections 1.a., 2.a., and 2.b.), and the Government continued its campaign against satellite dishes this year. Enforcement appeared to be

arbitrary, varying widely with the political climate and the individuals involved. Authorities reportedly were bribed to avoid enforcement in some of these circumstances.

Prison guards intimidated family members of detainees (*see* Section 1.c.). Opposition figures living abroad reported harassment of their relatives in the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press, except when published ideas are "contrary to Islamic principles, or are detrimental to public rights"; however, the Government restricted freedom of speech and of the press in practice. After the election of President Khatami in 1997, the independent press, especially newspapers and magazines, played an increasingly important role in providing a forum for an intense debate regarding reform in the society. However, basic legal safeguards for freedom of expression did not exist, and the independent press was subjected to arbitrary enforcement measures by elements of the Government, notably the judiciary, which treated such debates as a threat.

The Government carefully monitored the statements and views of the country's senior religious leaders to prevent dissent within the clerical ranks. Ayatollah Hossein Ali Montazeri, a cleric formerly designated as the successor to the late Spiritual Leader Ayatollah Khomeini, remained under house arrest at the end of the year. In November 1997, he called into question the authority of the Supreme Leader, Ali Khamenei, criticizing his increasing intervention in government policy. The comments sparked attacks by Ansar-e Hezbollah mobs on Montazeri's residence and on a Koranic school in Qom run by Montazeri. The promotion of Montazeri's views were among the charges brought against clerics Mohsen Kadivar and former Interior Minister Abdollah Nouri at hearings of the Special Clerical Court in 1999 (*see* Section 1.e.). HRW reported a number of protests against Montazeri's detention in 2001, including a letter circulated by his children asking that the Government lift restrictions on him, and a petition signed on Montazeri's behalf by 126 out of the 290 members of Parliament. In 2000 the press reported that several persons were jailed for expressing support for Grand Ayatollah Montazeri.

In July the Friday prayer leader of Isfahan, Taheri, resigned, stating that he could no longer tolerate the corruption and repression of the country's clerical leadership. Friday prayer leaders are appointed by the Senior Leader of the Islamic Republic, and are the senior religious authorities in their districts. According to HRW, the conservative establishment attempted to limit the damage by restricting coverage of Taheri's statement since he was appointed by Ayatollah Khomeini, and has impeccable religious credentials.

The Government reportedly continued to persecute senior Shi'a religious leaders and their followers who dissented from the ruling religious establishment. In Qom in 2001, the body of Grand Ayatollah Mohammad Shirazi, a leading dissident cleric, was seized by security forces during his funeral and buried in a mosque, rather than on the grounds of his house as he had requested.

During the year, at least 17 Majles members were called before the courts for criticizing the Government in one form or another; 1 was sentenced to 40 lashes and another fined. At year's end, there was no information available on whether either sentence was carried out. During 2001 approximately 60 reformist Majles members were reportedly brought to court for a variety of alleged offenses, and although no precise figures were available, that trend continued during the year.

In January reformist members of Parliament staged a walkout to protest pro-reform Parliamentarian Hossein Loqmanian's imprisonment, which led the Supreme Leader to pardon him after he had spent several weeks in prison. In December 2001, Loqmanian began serving a 13-month sentence for insulting the judiciary. He became the first Majles member to serve a jail sentence. Two other Majles members resigned their seats to protest Loqmanian's imprisonment. These cases resulted from the ongoing conflict between reformist Parliamentarians and the hard-line judiciary over precisely what type of speech is protected by parliamentary immunity. Furthermore, Parliamentarians convicted of crimes could be barred from running for the Majles again, since the law prohibits persons with criminal records from running for office.

In October the judicial authorities closed down the National Institute for Research Studies and Opinion Polls, which found in a poll commissioned by the Parliament that approximately three quarters of the population supported dialogue with the U.S., and close to half approved of U.S. policy towards their country. According to press reports, Institute director Behrouz Geranpayeh was interrogated and held incommunicado for more than a month. Managing Director Hussein Qazian of the private Ayandeh polling institute that participated in the poll was also arrested. Abbas Abdi, one of the organizers of the student takeover of the U.S. Embassy in Tehran

in 1979, and now a prominent journalist and member of the board of Ayandeh, was arrested in November. All were charged with a combination of spying for the U.S., illegal contacts with foreign embassies, working with anti-regime groups, and carrying out research on the order of the foreign polling organization; although government intelligence officials had publicly stated that the accused were not spies. According to press reports, President Khatami's executive branch also rejected the charges, stating that the pollsters were doing legitimate work cleared by the Intelligence and Foreign Ministries. Reformist Parliamentarians were barred from the court, and press reports indicated that the defendants were not allowed to see their families or their attorneys.

In spring 2001, authorities reportedly arrested Fatima Haghighatjoo for inciting public opinion and insulting the judiciary when she criticized the arrest of a female journalist, and claimed that the Government tortured and mistreated prisoners. She was the first sitting Majles member to face prosecution for statements made under cover of immunity. Authorities released her on bail immediately after her arrest, but eventually sentenced her to 22 months in prison. In December 2001 her sentence was reduced to 17 months. Her sentence was upheld by the courts, but at year's end, she had not served time in prison. As with the case of Mohsen Mirdamadi, there was press speculation that she would only go to prison when she leaves the Majles. Another Majles Deputy, Mohammad Dadfar, whose jail sentence was upheld by the courts, had not been sent to prison at year's end.

In 2001 approximately 60 parliamentarians were arrested and charged with "inciting public opinion." The cases were a result of the ongoing conflict between reformist parliamentarians and the conservative judiciary over precisely what type of speech is protected by parliamentary immunity (*see* Section 1.d.). The harassment of Majles members continued throughout the year.

Newspapers and magazines represented a wide variety of political and social perspectives, some allied with members of the Government. Many subjects of discussion were tolerated, including criticism of certain government policies. However, the 1995 Press Law prohibits the publishing of a broad and ill-defined category of subjects, including material "insulting Islam and its sanctities" or "promoting subjects that might damage the foundation of the Islamic Republic." Prohibited topics include fault-finding comments regarding the personality and achievements of the late Leader of the Revolution, Ayatollah Khomeini; direct criticism of the Supreme Leader; assailing the principle of velayat-e faqih, or rule by a supreme religious leader; questioning the tenets of certain Islamic legal principles; publishing sensitive or classified material affecting national security; promotion of the views of certain dissident clerics, including Grand Ayatollah Ali Montazeri; and advocating rights or autonomy for ethnic minorities.

The 1995 Press Law established the Press Supervisory Board, which is composed of the Minister of Islamic Culture and Guidance, a Supreme Court judge, a Member of Parliament, and a university professor appointed by the Minister of Islamic Culture and Guidance. The Board is responsible for issuing press licenses and for examining complaints filed against publications or individual journalists, editors, or publishers. In certain cases, the Press Supervisory Board may refer complaints to the courts for further action, including closure. The Press Court heard such complaints. Its hearings were conducted in public with a jury composed of clerics, government officials, and editors of government-controlled newspapers. The jury was empowered to recommend to the presiding judge the guilt or innocence of defendants and the severity of any penalty to be imposed, although these recommendations were not legally binding.

In the past, recommendations made by Press Court juries for relatively lenient penalties often were disregarded by the presiding judge in favor of harsher measures, including closure. In the last two years, some human rights groups asserted that the increasingly conservative Press Court assumed responsibility for cases before they were considered by the Press Supervisory Board, thus resulting in harsher judgments in many cases.

In March 2000, after the success of reformers in capturing a majority of seats in the February 2000 parliamentary elections, the outgoing Parliament passed amendments to the Press Law that gave the Press Court increased procedural and jurisdictional power. The amendments allowed prosecution of individual journalists, in addition to their editors and publishers, for a broad range of ill-defined political offenses. The incoming Parliament, which was seated in May 2000, introduced a bill in August 2000 to reverse the restrictive amendments. However, Supreme Leader Khamenei intervened with a letter to the Speaker demanding that the bill be dropped from consideration, and despite some strongly worded objections from members, the bill was withdrawn. Semiofficial vigilante groups then appeared outside the Parliament, creating an atmosphere of intimidation.

Public officials frequently lodged complaints against journalists, editors, and publishers. The practice of complaining about the writings of journalists crossed ideological lines. Offending writers were subject to lawsuits and fines. Suspension from journalistic activities and imprisonment were common punishments for guilty verdicts for offenses ranging from "fabrication" to "propaganda against the State" to "insulting the leadership of the Islamic Republic." The police raided newspaper offices, and Ansar-e Hezbollah mobs attacked the offices of liberal publications and bookstores without interference from the police or prosecution by the courts.

The Government's record regarding freedom of expression continued to deteriorate. It remained a central issue in the struggle between hardliners and political reformers. The Government continued its policy of issuing licenses for new publications, some of which openly criticized certain of its policies, until they were shut down. However, these licenses were issued at a much slower rate than in past years. By the end of the year, approximately 85 had been closed down. Several dozen pro-reform newspapers continued to form and publish, most with heavy self-censorship. When they were shut down, others opened to take their place.

Dozens of individual editors and journalists have been charged and tried by the Press Court, and several prominent journalists were jailed for long periods without trial. Others have been sentenced to prison terms or exorbitant fines. As of November 2001, more than 20 journalists, editors, and publishers reportedly remained in prison.

Freedom of the press continued to deteriorate during the year. Many newspapers and magazines were closed and many of their managers were sentenced to jail and lashings. The judiciary reportedly threatened to prosecute the official Islamic Republic News Agency for printing a statement by the recently banned Freedom Movement (*see* Sections 1.d. and 2.b.). In July, Norouz, the leading reformist newspaper in the country, was banned for six months. Its director, Mohsen Mirdamadi, who headed the National Security and Foreign Policy Committee of the Majlis, was sentenced to six months in jail, a fine, and a 4-year ban on involvement in journalism. Press reports indicated that the charges against him were "publishing lies, disturbing public opinion, and taking action against national security." At year's end, Mirdamadi had not gone to jail, even though his sentence was upheld by the courts. According to some press reports, it was unclear when the sentence would be carried out, possibly when he leaves the Majles.

According to press reports, other newspapers banned during the year included Golestan-e-Iran, which had been publishing for approximately 1-month, and was closed for "making propaganda against the system and spreading lies, and encouraging immorality through publishing pictures." Another newspaper, Vaqt, was also closed for "encouraging immorality through the publication of pictures."

In October 2000, Akbar Tajik-Saeeki, identified as the prayer leader at a Tehran mosque, reportedly was jailed by the SCC for signing a petition protesting the continued detention of Grand Ayatollah Montazeri. In December 2000, one of Montazeri's sons was arrested for distributing his father's writings.

The 134 signatories of the 1994 Declaration of Iranian Writers, which declared a collective intent to work for the removal of barriers to freedom of thought and expression, remained at risk. In the past, the Association of International Writers (PEN) noted that the authorities had not resolved the killings of some of its signatories or the disappearance of Pirouz in 1998 (*see* Sections 1.a. and 1.b.).

The Government directly controlled and maintained a monopoly over all television and radio broadcasting facilities; programming reflected the Government's political and socio-religious ideology. Because newspapers and other print media had a limited circulation outside large cities, radio and television served as the principal news source for many citizens. Satellite dishes that received foreign television broadcasts were forbidden; however, many citizens, particularly the wealthy, owned them. The Government confiscated many satellite dishes in the wake of the October 2001 soccer riots and during periodic crackdowns during the year (*see* Sections 1.a., 1.f., and 2.b.).

The Ministry of Islamic Culture and Guidance was in charge of screening books prior to publication to ensure that they did not contain offensive material. However, some books and pamphlets critical of the Government were published without reprisal. The Ministry inspected foreign printed materials prior to their release on the market.

The Government effectively censored domestic films, since they were the main source of funding for film producers. Those producers must submit scripts and film proposals to government officials in advance of funding approval. However, such government restrictions appeared to have eased since the 1997 election of President Khatami.

Academic censorship persisted. Government informers who monitored classroom material and activities reportedly were common on university campuses. Admission to universities was politicized; all applicants had to pass "character tests" in which officials screened out applicants critical of the Government's ideology. To obtain tenure, professors had to cooperate with government authorities over a period of years. Members of the Ansar-e Hezbollah disrupted lectures and appearances by academics whose views did not conform with their own.

b. Freedom of Peaceful Assembly and Association.—The Constitution permits assemblies and marches "provided they do not violate the principles of Islam"; however, in practice the Government restricted freedom of assembly and closely monitored gatherings to ensure that they did not constitute uncontrolled antigovernment protest. Such gatherings included public entertainment and lectures, student gatherings, labor protests, funeral processions, and Friday prayer gatherings. A significant factor for groups in deciding whether to hold a public gathering is whether it would be opposed by the semiofficial Ansar-e Hezbollah, which used violence and intimidation to disperse such assemblies.

In January two teachers Mohammad-Ebrahim Ahmad-Nia and Akhtar Ghassem -Zadeh-Moin were hospitalized for injuries received at a demonstration. They were arrested during a demonstration against low wages and poor working conditions. Their families were not allowed to visit them. According to sources, the families were told to refrain from public comment on the cases if they wanted their loved-ones to live. By March, the families had heard nothing and believed that they might have died in custody. There was no further information available on these cases at the end of the year (*see* Section 1.a.).

In November the Aghajari (*see* Section 2.a.) verdict sparked large and ongoing student protests at universities throughout the country. Students boycotted classes for almost 2 weeks and in the largest pro-reform demonstrations in 3 years, crowds of up to 5,000 students at college campuses called for freedom of speech and major political reforms, and denounced the Aghajari death sentence as "medieval." Four student leaders who were arrested in the wake of the demonstrations by "plainclothes" forces working for the Intelligence Ministry were released after being held for one day. In late December, two students were given jail terms for their protests against the Aghajari sentence. Hojatollah Rahimi was sentenced to 2 years in prison and 70 lashes for "insulting religious sanctities and issuing an insulting declaration." Co-defendant Parviz Torkashvand was sentenced to 4 months in jail and forty lashes.

A government clampdown through the use of Basiji and other forces led to a quiet period of two weeks that ended on December 7, when there was a large demonstration at the University of Tehran. It was attended by over 2,000 within the walls of the campus, with a larger crowd outside. The demonstrators demanded freedom for all political prisoners, a referendum, and the resignations of the President and the head of the judiciary. Press reports indicated that law enforcement officials and the "plainclothes" force broke up the demonstration using batons, whips, and belts, and arrested over 200 persons, many of whom were still being held at the end of the year. Demonstrations on December 9 and 10 were also broken up violently by Basiji forces.

In October 2001, riots and demonstrations broke out throughout the country after the national soccer team lost a match it had been heavily favored to win. The Government arrested hundreds of persons. There were anecdotal reports that some demonstrators were killed; however, the Government denied this (*see* Sections 1.a., 1.f., and 2.a.).

The UNSR reported that in December 2000, police forcibly disrupted a peaceful demonstration by Kurdish students at the University of Tehran, injuring and arresting a number of the demonstrators.

In July 1999, students at the University of Tehran who were protesting proposed legislation by the Majles that would limit press freedoms and protested the Government's closure of a prominent reform-oriented newspaper, were attacked by elements of the security forces and the Ansar-e Hezbollah. Police forces reportedly looked on and allowed repeated attacks against the students and their dormitory. HRW reported that, according to witnesses, at least 4 students were killed in the assault on the dormitory, 300 were injured, and 400 were detained. The demonstrations continued to grow in subsequent days to include many nonstudents. Looting, vandalism, and large-scale rioting began and spread to cities outside Tehran.

In September 1999, the head of the Tehran Revolutionary Court, Hojatoleslam Gholamhossein Rahbarpour, was quoted as saying that 1,500 students were arrested during the riots, 500 were released immediately after questioning, 800 were released later, and formal investigations were undertaken against the remaining 200. He also announced that four student leaders were sentenced to death by a Rev-

olutionary Court for their role in the demonstrations. The death sentences reportedly were commuted to prison terms in 2000. The UNSR's 2000 report stated that about two-thirds of the students who initially were arrested subsequently were released, but noted that there has been no formal accounting of all the persons arrested in connection with the July 1999 demonstrations.

The Government arrested the leaders of the Iran Nations Party in the aftermath of the July 1999 demonstrations. The party was a secular nationalist movement that predates the revolution and was viewed as a threat by certain elements of the Government. The party was accused of inciting rioters and of encouraging disparaging slogans against "sacred values." Agents of the intelligence service in late 1998 killed the former head of the Iran Nations Party, Darioush Forouhar, along with his wife (*see* Section 1.a.).

In the aftermath of these events, the Government took action against members of the security forces for their assault on the student dormitory, and against student leaders, demonstrators, and political activists, whom it blamed for inciting illegal behavior. In August 1999, the commander of the security forces, General Hedayat Lotfian, was summoned before the Parliament to explain the role of his officers in the dormitory raid. He reportedly announced that 98 officers were arrested for their actions.

In February 2000, 20 police officers and officials were tried on charges of misconduct in connection with the demonstrations. The court found that misconduct had occurred, and ordered compensation for 34 injured students. However, the court then released all but two of the accused officers.

The Government limited freedom of association. The Constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and organizations for recognized religious minorities, provided that such groups do not violate the principles of "freedom, sovereignty, and national unity," or question Islam as the basis of the Islamic Republic. However, President Khatami repeatedly has declared as a major goal the rule of law and development of civil society.

The Government permanently banned the Iran Freedom Movement during they year. In March 2001 the Government provisionally closed the 50-year-old Iran Freedom Movement for "attempting to overthrow the Islamic regime." In response to the permanent dissolution of the movement in July, President Khatami warned against the banning of political groups, saying that suppression did not eliminate ideas; they are simply forced underground and continue to grow (*see* Section 1.e.).

c. Freedom of Religion.—The Government restricted freedom of religion. The Constitution declares that the "official religion of Iran is Islam and the sect followed is that of Ja'fari (Twelver) Shi'ism," and that this principle is "eternally immutable." Article 144 of the Constitution states that "the Army of the Islamic Republic of Iran must be an Islamic army," which is "committed to an Islamic ideology," and must "recruit into its service individuals who have faith in the objectives of the Islamic Revolution and are devoted to the cause of achieving its goals." However, members of religious minority communities sometimes served in the military. It also states that "other Islamic denominations are to be accorded full respect," and recognizes Zoroastrians, Christians, and Jews, the country's pre-Islamic religions, as the only "protected religious minorities." Religions not specifically protected under the Constitution did not enjoy freedom of religion. Members of the country's religious minorities, including Baha'is, Jews, Christians, and Sufi Muslims reported imprisonment, harassment, and intimidation based on their religious beliefs. This situation most directly affected the nearly 350,000 followers of the Baha'i Faith, who effectively had no legal rights either as individuals or as a community.

The central feature of the country's Islamic republican system was rule by a "religious jurisconsult." Its senior leadership, including the Supreme Leader of the Revolution, the President, the head of the Judiciary, and the Speaker of the Islamic Consultative Assembly (Parliament) was composed principally of Shi'a clergymen.

Religious activity was monitored closely by the Ministry of Intelligence and Security (MOIS). Adherents of recognized religious minorities were not required to register individually with the Government. However, their community, religious, and cultural organizations, as well as schools and public events, were monitored closely. Baha'is were not recognized by the Government as a legitimate religious community; they were considered heretics belonging to an outlawed political organization. Registration of Baha'is was a police function. Evangelical Christian groups were pressured by government authorities to compile and hand over membership lists for their congregations; however, evangelicals resisted this demand. Non-Muslim owners of grocery shops were required to indicate their religious affiliation on the fronts of their shops.

The population was approximately 99 percent Muslim, of which 89 percent were Shi'a and 10 percent Sunni (mostly Turkomans, Arabs, Baluchis, and Kurds living

in the southwest, southeast, and northwest). Baha'i, Christian, Zoroastrian, and Jewish communities constituted less than 1 percent of the population. Sufi brotherhoods were popular, but there were no reliable statistics on their number. All religious minorities suffered varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and housing.

The Government generally allowed recognized religious minorities to conduct religious education of their adherents, although it restricted this right considerably in some cases. Members of religious minorities were allowed to vote, but they could not run for President.

Recognized religious minorities were allowed by the Government to establish community centers and certain cultural, social, sports, or charitable associations that they financed themselves. This did not apply to the Baha'i community, which has been denied the right to assemble officially or to maintain administrative institutions since 1983. Since the Baha'i faith has no clergy, the denial of the right to form such institutions and elect officers threatened its very existence in the country. Broad restrictions on Baha'is appeared to be geared to destroying them as a community.

In September 2001, in conjunction with an appeal connected to the 1998 raids and property confiscations against the Baha'i community's higher education institution, the Ministry of Justice issued a report that reiterated that government policy continued to be implemented in such a manner as to eliminate the Baha'is as a community. The report stated in part that Baha'is could only be enrolled in schools provided they did not identify themselves as Baha'is, and that they preferably should be enrolled in schools with a strong Muslim religious ideology. The report also stated that all those identified as Baha'is must be expelled from universities, either in the admission process or during the course of their studies whenever their identity as Baha'is becomes known.

University applicants were required to pass an examination in Islamic theology. Although public school students received instruction in Islam, this requirement limited the access of most religious minorities to higher education. Applicants for public sector employment similarly were screened for their knowledge of Islam.

The legal system discriminated against religious minorities, awarding lower monetary compensation in injury and death lawsuits for non-Muslims than for Muslims and imposing heavier punishments on non-Muslims than on Muslims. A bill was passed by the Majlis early in the year which would equalize the "blood money" paid to the families of crime victims. The Guardian Council had not ruled on whether to ratify the bill, but there were reports that the Supreme Leader supported it. Since Baha'is were not a recognized religious minority, a change in the law would not apply to them.

The Government was highly suspicious of proselytizing of Muslims by non-Muslims and was harsh in its response, in particular against Baha'is and Evangelical Christians. The Government regarded Baha'is, whose faith originally derives from a strand of Islam, as a heretical sect, and has fueled anti-Baha'i and anti-Semitic sentiment in the country for political purposes.

The Government did not ensure the right of citizens to change or recant their religion. Apostasy, specifically conversion from Islam, may be punishable by death.

Although Sunni Muslims are accorded full respect under the terms of the Constitution, some Sunni groups claimed to be discriminated against by the Government. In particular, Sunnis cited the lack of a Sunni mosque in Tehran and claimed that authorities refused to authorize construction of a Sunni place of worship in the capital. Sunnis also accused the state broadcasting company of airing programs insulting to Sunnis. Numerous Sunni clerics were reported to have been killed in recent years, some allegedly by government agents. Sufi organizations outside the country remained concerned about repression by the authorities of Sufi religious practices.

The largest religious minority was the Baha'i faith, estimated at 350,000 adherents throughout the country. Baha'is were considered apostates because of their claim to a religious revelation subsequent to that of the Prophet Mohammed. The Baha'i Faith was defined by the Government as a political "sect" linked to the Pahlavi monarchy and, therefore, as counterrevolutionary. Historically at risk, Baha'is often have suffered increased levels of mistreatment during times of political unrest.

Baha'is may not teach or practice their faith or maintain links with co-religionists abroad. The fact that the Baha'i world headquarters (established by the founder of the Baha'i Faith in the 19th century in what was then Ottoman-controlled Palestine) is situated in what is now the state of Israel exposed Baha'is to government charges of "espionage on behalf of Zionism."

According to the National Spiritual Assembly of the Baha'is of the U.S., since 1979, more than 200 Baha'is have been killed, and 15 disappeared and presumed dead. The Government continued to imprison and detain Baha'is based on their religious beliefs.

The property rights of Baha'is generally were disregarded. Properties belonging to the Baha'i community as a whole, such as places of worship and graveyards, were confiscated by the Government in the years after the 1979 revolution and, in some cases, defiled. The Government's seizure of Baha'i personal property, as well as its denial of access to education and employment, continued to erode the economic base of the Baha'i community.

Baha'i group meetings and religious education, which often took place in private homes and offices, were severely curtailed. Public and private universities continued to deny admittance to Baha'i students. The use of suspended sentences appears to be a government tactic to discourage Baha'is from taking part in monthly religious gatherings.

In September 1998, authorities conducted a nationwide raid of more than 500 homes and offices owned or occupied by Baha'is to disrupt the activities of the Baha'i Institute of Higher Learning. The Institute employed Baha'i faculty and professors, many of whom had been dismissed from teaching positions by the Government as a result of their faith, and conducted classes in homes or offices owned or rented by Baha'is. During the operation, which took place in at least 14 different cities, 36 faculty members were arrested, and a variety of personal property, including books, papers, and furniture, either were destroyed or confiscated. Government interrogators sought to force the detained faculty members to sign statements acknowledging that the Open University was defunct and pledging not to collaborate with it in the future. Baha'is outside the country reported that none of the 36 detainees would sign the document. All but 4 of the 36 persons detained during the September 1998 raid on the Baha'i Institute were released by November 1998.

In March 1999, Dr. Sina Hakiman, Farzad Khajeh Sharifabadi, Habibullah Ferdosian Najafabadi, and Ziaullah Mirzapanah, the four remaining detainees from the September 1998 raid, were convicted under Article 498 of the Penal Code and sentenced to prison terms ranging from 3 to 10 years. In July 1999, Mirzapanah, who had been sentenced to 3 years in prison, became ill and was hospitalized. Prison authorities allowed him to return home upon his recovery on the understanding that they could find him whenever necessary. The other three were released in December 1999.

The Government reportedly kept a small number of Baha'is in arbitrary detention, some at risk of execution, on an ongoing basis. With the release earlier this year of a prisoner originally sentenced to death in 1997, there were four Baha'is reported to be in prison for practicing their faith at year's end, two of them facing life sentences. In addition, the Government harassed the Baha'i community by arresting persons arbitrarily, charging and then releasing them, often without dropping the charges against them. According to credible foreign Baha'i sources, persecution of the community in general, and these practices in particular, seem to have intensified since the U.N. Commission on Human Rights ended formal monitoring of the human rights situation in the country via the UNSR in the spring.

Baha'is regularly were denied compensation for injury or criminal victimization. Government authorities claimed that only Muslim plaintiffs were eligible for compensation in these circumstances. Baha'is continued to be denied most forms of government employment. Thousands of Baha'is dismissed from government jobs in the early 1980s received no unemployment benefits and were required to repay the Government salaries or pensions from their first day of employment. Some of those unable to do so faced prison sentences.

The Government often prevented Baha'is from traveling outside the country.

However, over the past several years, the Government has taken some positive steps in recognizing the rights of Baha'is, as well as other religious minorities. In November 1999, President Khatami publicly stated that no one in the country should be persecuted because of his or her religious beliefs. He added that he would defend the civil rights of all citizens, regardless of their beliefs or religion. Subsequently the Expediency Council approved the "Right of Citizenship" bill, affirming the social and political rights of all citizens and their equality before the law. In February 2000, following approval of the bill, the head of the judiciary notified all registry offices in the country that they should permit couples to be registered as husband and wife without being required to state their religious affiliation. This measure effectively permitted the registration of Baha'i marriages in the country. Previously Baha'i marriages were not recognized by the Government, leaving Baha'i women open to charges of prostitution. Consequently, children of Baha'i marriages were not recognized as legitimate and were denied inheritance rights. At the end

of the year, Baha'is could obtain ration booklets and send their children to public elementary and secondary schools.

The UNSR estimated the Christian community at approximately 300,000. Of these the majority were ethnic Armenians and Assyro-Chaldeans. Protestant denominations and evangelical churches also were active, although nonethnically based groups report restrictions on their activities. The UNSR reported that Christians were emigrating at an estimated rate of 15,000 to 20,000 per year.

The authorities became particularly vigilant in recent years in curbing proselytizing activities by evangelical Christians, whose services were conducted in Persian. Government officials closed evangelical churches and arrested converts. Members of evangelical congregations were required to carry membership cards, photocopies of which must be provided to the authorities. Worshipers were subject to identity checks by authorities posted outside congregation centers. Meetings for evangelical services were restricted by the authorities to Sundays, and church officials were ordered to inform the Ministry of Information and Islamic Guidance before admitting new members to their congregations.

Mistreatment of evangelical Christians continued in recent years. Christian groups have reported instances of government harassment of churchgoers in Tehran, in particular of worshipers at the Assembly of God congregation in the capital. Cited instances of harassment included conspicuous monitoring outside Christian premises by Revolutionary Guards to discourage Muslims or converts from entering church premises and demands for presentation of identity papers of worshipers inside.

Estimates of the size of the Iranian Jewish community varied from 25,000 to 30,000; a substantial reduction from the estimated 75,000 to 80,000 Iranian Jews prior to the 1979 revolution.

While Jews were a recognized religious minority, allegations of official discrimination were frequent. The Government's anti-Israel stance, and the perception among many citizens that Jewish citizens supported Zionism and the State of Israel, created a threatening atmosphere for the small community. Jews limited their contact with and did not openly express support for Israel out of fear of reprisal. Recent anti-American and anti-Israeli demonstrations included the denunciation of Jews, as opposed to the past practice of denouncing only Israel and Zionism, adding to the threatening atmosphere for the community. Jewish leaders reportedly were reluctant to draw attention to official mistreatment of their community due to fear of government reprisal.

Some Jewish groups outside the country reported an increase in anti-Semitic propaganda in the official and semiofficial media. One example was the periodic publication of the anti-Semitic and fictitious "Protocols of the Elders of Zion," both by the Government and by periodicals associated with hard line elements of the Government.

The Government allowed the practice of Judaism, but restricted and interfered with it in practice. Education of Jewish children has become more difficult in recent years. The Government allowed the teaching of Hebrew, recognizing its necessity for the practice of Judaism. However, it strongly discouraged teachers from distributing Hebrew texts to students, making it difficult to teach the language in practice. The Government also required that several Jewish schools remain open on Saturdays, the Jewish Sabbath, to conform with the schedule of other schools in the school system.

Jews were gradually dismissed from most government positions after 1979. Members of the community are permitted to obtain passports and to travel outside the country; however, with the exception of certain business travelers, they were required by the authorities to obtain government clearance (and pay additional fees) before each trip abroad. The Government appeared concerned about the emigration of Jews. Permission generally was not granted for all members of Jewish families to travel outside the country at the same time (*see* Section 2.d.).

In February and March 1999, 13 Jews were arrested in the cities of Shiraz and Isfahan. Among the group were several prominent rabbis, teachers of Hebrew, and their students. The charges centered on alleged acts of espionage on behalf of Israel, an offense punishable by death. The 13 were jailed for more than a year before trial, largely in solitary confinement, without official charges or access to lawyers. In April 2000, the defendants were appointed lawyers, and a closed trial commenced in a revolutionary court in Shiraz. Human rights groups and governments around the world criticized the lack of due process in the proceedings. The UNSR characterized them as "in no way fair." In July 2000, 10 of the 13, along with 2 Muslim defendants, were convicted on charges of illegal contact with Israel, conspiracy to form an illegal organization, and recruiting agents. They received prison sentences ranging from 4 to 13 years. Three were acquitted. The lawyers of those convicted filed

an appeal and in September 2000, an appeals court overturned the convictions for forming an illegal organization and recruiting agents, but upheld the convictions for illegal contacts with Israel. Their sentences were reduced to between 2 and 9 years imprisonment. In January 2001, the Supreme Court rejected a final appeal. One of the ten convicted was released in February 2001 upon completion of his prison term, and another was released in January of this year at the end of his term. Three additional prisoners were released in October, leaving five remaining in prison at year's end.

Jewish groups outside the country noted that the March 1999 arrest of the 13 Jewish individuals coincided with an increase in anti-Semitic propaganda in newspapers and journals associated with hardline elements of the Government. Since the beginning of the trial, Jewish businesses in Tehran and Shiraz have been targets of vandalism and boycotts, and Jews have reportedly suffered personal harassment and intimidation.

The group "Families of Iranian Jewish Prisoners" (FIJP) has gone public with the names of twelve Iranian Jews who disappeared while attempting to leave the country in the 1990s. FIJP believes that the Government has dealt with these cases differently than it dealt with other cases of people being captured while trying to escape from the country because these individuals were Jewish (*see* Section 1.b.).

According to the U.N. High Commissioner for Refugees (UNHCR), Mandaeans were regarded as Christians, and were included among the country's three recognized religious minorities. However, Mandaeans regarded themselves as adherents of a religion that practices Christianity in both belief and practice. The small community faced discrimination similar to that experienced by the country's other pre-Islamic religious minorities.

The Government restricted the movement of several senior religious leaders, some of whom had been under house arrest for years (*see* Sections 1.d. and 2.d.).

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government placed some restrictions on these rights. Citizens may travel within the country, although there were restrictions on travel to Kurdish areas during times of occasional heavy fighting. Roadblocks and security checks were common on routes between major cities. Citizens may change their place of residence without obtaining official permission. The Government required exit permits (a validation stamp in the passport) for draft-age men and citizens who were politically suspect. Some citizens, particularly those whose skills were in short supply and who were educated at government expense, must post bonds to obtain exit permits. The Government restricted the movement of certain religious minorities and several religious leaders (*see* Sections 1.d. and 2.c.).

Citizens returning from abroad sometimes were subjected to searches and extensive questioning by government authorities for evidence of antigovernment activities abroad. Cassette tapes, printed material, personal correspondence, and photographs were subject to confiscation.

The Government permitted Jews to travel abroad, but often denied them multiple-exit permits issued to other citizens. Baha'is often experienced difficulty in obtaining passports.

Women must obtain the permission of their husband, father, or other male relative to obtain a passport. Married women must receive written permission from their husbands before being allowed to leave the country.

The law contains provisions for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. Although the Government generally provided first asylum, it sometimes increased pressure on refugees to return to their home countries, particularly when the economy worsened.

The country hosted a large refugee population, mostly Afghans. At the end of the year, there were approximately one million refugees from Afghanistan, a decrease from the 2 million estimated by the UNHCR in 2001. Hundreds of thousands of Afghan refugees returned to Afghanistan during the year. The UNHCR expressed concern that the Government was pressing them to leave, a contention the Government denied. Most refugees subsisted on itinerant labor. The Government accused many Afghans of involvement in drug trafficking; as a result, there were reports that many of them were arrested and executed. With the conflict in Afghanistan after the September 2001 terrorist attack in the U.S., many more Afghans attempted to enter the country across the Iranian border. However, the Government had sealed its border in anticipation of a war in Afghanistan. The Government set up several refugee camps just inside Afghanistan to deal with the crisis.

The UNHCR estimated that there were approximately 450,000 to 510,000 Iraqi Kurdish refugees in the country at the end of 2001, of whom approximately 83 percent were Shi'a and 17 percent non-Shi'a. An additional 70,000 refugees were Shi'a Arabs. Many of the Iraqi refugees were expelled by Iraq at the beginning of the Iran-Iraq war because of their suspected Iranian origin. In numerous instances, both the Iraqi and Iranian governments disputed their citizenship, rendering many of them stateless. Other Iraqi refugees arrived following Iraq's invasion of Kuwait in 1990.

Although the Government claimed to host more than 30,000 refugees of other nationalities, including Tajiks, Bosnians, Azeris, Eritreans, Somalis, Bangladeshis, and Pakistanis, it did not provide information about them or allow the UNHCR or other organizations access to them.

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

The right of citizens to change their government is restricted significantly. The Supreme Leader, the recognized Head of State, is selected for a life term by the Assembly of Experts. The Assembly of Experts may also remove the Supreme Leader. The Assembly itself is restricted to clerics, who serve an 8-year term and are chosen by popular vote from a list approved by the Government. There is no separation of state and religion, and clerics dominate the Government. The Government repressed attempts to separate state and religion or to alter the State's theocratic foundation. The Government effectively controlled the selection of candidates for elections, although a bill approved by the Parliament and now awaiting approval by the Guardian Council would weaken its control. The Constitution provides for a Council of Guardians, composed of six Islamic clergymen and six lay members, who review all laws for consistency with Islamic law and the Constitution. The Council also screens political candidates for ideological, political, and religious suitability. It accepts only candidates who support a theocratic state; clerics who disagree with government policies also have been disqualified.

Regularly scheduled elections are held for the President, members of the Majles, and the Assembly of Experts. Mohammad Khatami, a former Minister of Culture and Islamic Guidance who was impeached in 1992 by the Majles for "liberalism" and "negligence," was reelected President in 2001 with 77 percent of the vote. The UNSR reported that the Guardian Council significantly limited the number of candidates permitted to run and noted that the Interior Minister denounced the "unprincipled disqualification" of candidates.

Elections were held in the fall of 1998 for the 86-member Assembly of Experts. The Council of Guardians disqualified numerous candidates, which led to criticism from many observers that the Government improperly predetermined the election results.

Elections were held for the 290-seat Majles in February 2000. Of more than 6,000 candidates, 576 were disqualified before the elections by the Council of Guardians, which represented a substantial decrease from the 44 percent who were disqualified before the 1996 elections. Most of those disqualified were outspoken advocates of political reform, including some of the most prominent supporters of President Khatami. However, candidates with a wide range of views were permitted to run. The elections resulted in a landslide victory for moderate and reform candidates, who constituted a large majority in the Majles. In June 2001, elections were held for Majles seats. The Council of Guardians reportedly disqualified 100 potential candidates, more than one-quarter of those wishing to run. Largely due to the disqualification of reform candidates, conservative candidates or conservatives running as independents won all six seats up for election. Vigorous parliamentary debates took place regarding various issues. However, the Supreme Leader and other conservatives within the Government used constitutional provisions to block much of the early reform legislation passed by the Majles.

In February 1999, elections for nationwide local councils were held for the first time since the 1979 revolution. Government figures indicated that roughly 280,000 candidates competed for 130,000 council seats across the nation. Women were elected to seats in numerous districts. The Councils did not appear to have been granted the autonomy or authority to make them effective or meaningful local institutions; doing so would have been viewed as a threat to the control of the central government. The next local council elections will be held in February 2003.

Women held 9 out of 290 Majles seats. There were no female cabinet members, although several held high level positions and a woman served as Presidential Adviser for Women's Affairs.

Christians, Jews, and Zoroastrians elected deputies to Majles seats reserved for them. However, religious minorities, by law and practice, were barred from being

elected to a representative body—except to the seats in the Majles reserved for them—and from holding senior government or military positions. Religious minorities were allowed to vote, but could not run for president.

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

The Government continued to restrict the work of local human rights groups. The Government denies the universality of human rights and has stated that human rights issues should be viewed in the context of a country's "culture and beliefs."

Various professional groups representing writers, journalists, photographers, and others attempted to monitor government restrictions in their fields, as well as harassment and intimidation against individual members of their professions. However, their ability to meet, organize, and effect change was curtailed severely by the Government. Although there were a few domestic NGOs, there was no information available on what type of groups they were or the services they provided.

International human rights NGOs such as HRW and Amnesty International (AI) were not permitted to establish offices in or conduct regular investigative visits to the country. Representatives of HRW and AI, who were asked by the European Union to attend EU-Iran human rights talks in December as part of the EU delegation, were barred by government authorities from attending the talks. HRW and members of a European judicial monitoring NGO were permitted to send representatives to Shiraz for the trial of 13 Jewish citizens on espionage charges (*see* Section 2.c.). However, they were not permitted to monitor the trial proceedings.

After the defeat of the resolution criticizing the country and renewing the UNSR's mandate at the meeting of the Commission on Human Rights in the spring, press reports indicated that the country declared itself ready to welcome visits by thematic UN human rights rapporteurs from different fields. No such visits took place during the year. However, the country was engaged in discussions on human rights with the EU in connection with the Trade and Cooperation Agreement embarked upon by the two sides.

The ICRC and the UNHCR both operated in the country. However, the Government did not allow the UNSR for Human Rights in Iran to visit the country from 1997 to 2001, the last year his mandate to monitor human rights in the country was in effect. When the UNSR was last allowed entry into the country to gather information for his yearly report in 1996, he was able to correspond with government officials during the period of his mandate and often received replies to his inquiries.

The Islamic Human Rights Commission (IHRC) was established in 1995 under the authority of the head of the judiciary, who sits on its board as an observer. In 1996 the Government established a human rights committee in the Majles. However, most observers believed that these committees lacked independence and power.

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

In general the Government did not discriminate on the basis of race, disability, language, or social status; however, it discriminated on the basis of religion and sex. In some instances, it discriminated on the basis of language, such as with the Kurds, Azeris, and Ahwazi Arabs.

Women.—Although spousal abuse and violence against women occurred, statistics on such abuse were not available. Abuse in the family was considered a private matter and seldom was discussed publicly. Rape is illegal; however, the law was rarely enforced and rape was a widespread problem. The UNSR published statistics provided by the IHRC indicating that at the end of 2001, of a total of approximately 3,000 currently active files, an estimated 1,000 were related to women's issues. However, the UNSR noted in his September 2000 report that media reporting on the situation of women diminished, in part due to the closure of the reform-oriented press (*see* Section 2.a.).

Prostitution was illegal. Accurate information regarding the extent of the problem was not widely available, although the issue received widespread attention during they year as a result of the public's greater interest in social problems. However, press reports described prostitution as a severe problem. There was a growing understanding of the need to deal with the problem, especially because of its role in the spread of AIDS.

Press reporting indicated that the Government acknowledged that prostitution had become very widespread, and was conducting a crackdown. In July two well-known soccer players were sentenced to 170 lashes after being arrested at a brothel. The Government closed many brothels around the country during the year and the police reportedly arrested 243 persons involved in prostitution networks. There was

a report that a man was executed in April in Mashad for killing sixteen prostitutes. He claimed that he considered the killings to be a religious obligation. In another instance, in the city of Karaj, a judge of a revolutionary court was sentenced to 10 years in prison and a lashing for forcing runaway girls into prostitution.

Reports indicated that due to the passage of persons across the border with Afghanistan, there was a rise in trafficking. There were also reports in 2001 that women were trafficked into the United Arab Emirates (UAE) for forced prostitution (*see* Section 6.f.).

Discrimination against women was reinforced by law through provisions of the Islamic Civil and Penal Codes, in particular those sections dealing with family and property law. Shortly after the 1979 revolution, the Government repealed the Family Protection Law, a hallmark bill adopted in 1967, that gave women increased rights in the home and workplace, and replaced it with a legal system based largely on Shari'a practices. In 1998 the Majles passed legislation that mandated segregation of the sexes in the provision of medical care.

Even though the law permits it, marriage at the minimum age of nine is rare. All women must have the permission of their father or a male relative in order to marry. The law allowed for the practice of temporary marriages based on a Shi'a custom in which a woman or a girl may become the wife of a married or single Muslim male after a simple and brief religious ceremony. The temporary marriage may last any length of time. According to Shi'a Islamic law, men may have as many temporary wives as they wish. Such wives are not granted rights associated with traditional marriage.

The Penal Code includes provisions that mandate the stoning of women and men convicted of adultery, although judges were instructed at the end of the year cease sentencing adulterers to stoning (*see* Section 1.c.). Women have the right to divorce. However, a husband is not required to cite a reason for divorcing his wife. In December a new law made the adjudication of cases in which women demand divorces less arbitrary and less costly.

Privileges accorded to men by custom and traditional interpretations of Islamic law are limited by a model contract which recognizes a divorced woman's right to a share in the property that couples acquire during their marriage and to increased alimony rights. Women who remarry are forced to give the child's father custody of children from earlier marriages. However, the law granted custody of minor children to the mother in certain divorce cases in which the father is proven unfit to care for the child. Muslim women may not marry non-Muslim men, and the testimony of a woman is worth half that of a man in court. The "blood money" paid to the family of a female crime victim is half the sum paid for a man, and will remain so even if the new law passed by the Majlis equalizing "blood money" for Muslims and non-Muslims is accepted by the Guardian Council (see section 2.c.). Any change would only pertain to men. A married woman must obtain the written consent of her husband before traveling outside the country (*see* Section 2.d.).

Women had access to primary and advanced education; however, social and legal constraints limited their professional opportunities. Women were represented in many fields of the work force, and the Government has not prevented women from entering many traditionally male-dominated fields. However, many women choose not to work outside the home. According to international organizations, there were 2 million women in the work force in 2001, of whom approximately 1.8 million were employed during the year. The law provides maternity, child care, and pension benefits.

The Government enforced gender segregation in most public spaces, and prohibited women from mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances. Women were prohibited from attending male sporting events, although this restriction did not appear to be enforced universally. While the enforcement of conservative Islamic dress codes varied, what women wore in public was not entirely a matter of personal choice. The authorities sometimes harassed women if their dress or behavior was considered inappropriate, and women may be sentenced to flogging or imprisonment for such violations (*see* Section 1.c.). The law prohibits the publication of pictures of uncovered women in the print media, including pictures of foreign women. There are penalties for failure to observe Islamic dress codes at work.

Children.—Except in isolated areas of the country, children had access to free education through the 12th grade (compulsory to age 11), and to some form of health care.

There was not enough information available to reflect how the Government dealt with child abuse.

A girls' center in Karaj reportedly was involved in the trafficking of girls (*see* Section 6.f.).

Persons with Disabilities.—There is no available information regarding whether the Government has legislated or otherwise mandated accessibility for persons with disabilities, or whether discrimination against persons with disabilities is prohibited. Film clips showed children tied or chained to their beds, in filthy conditions, and without appropriate care. It is not known to what extent this represents the typical treatment of persons with disabilities since from 1996.

National/Racial/Ethnic Minorities.—The Kurds sought greater autonomy from the central government and continued to suffer from government discrimination. The Kurds' status as Sunni Muslims is an aggravating factor in their relations with the Shi'a-dominated government. Such tensions predated the revolution. Kurds often were suspected by government authorities of harboring separatist or foreign sympathies. These suspicions have led to sporadic outbreaks of fighting between government forces and Kurdish groups. Sunni Kurds protested against the appointment of a Shi'a governor in the Kurdistan province, who was chosen over numerous Sunni Kurdish candidates.

The Democratic Party of Iranian Kurdistan (PDKI) claimed that the Government arrested and executed at least three of its members during the year. Other sources claimed the number executed in October was three or five.

According to the UNSR, President Khatami, who won an overwhelming percentage of the Kurdish vote in the recent Presidential election, has made several conciliatory gestures to the Kurdish population. He appointed the first Kurd to hold the position of Governor of Kurdistan, and the Governor appeared to be facilitating a "process of reconciliation." The UNSR reported that the Government appeared to be encouraging Kurdish cultural expression, and subsidizing some Kurdish language classes. The number of Kurdish publications increased, and discussion of limited Kurdish TV broadcasting began. However, there was still no public school education in the Kurdish language.

Azeris are well integrated into the Government and society, but complained of ethnic and linguistic discrimination. The Government traditionally viewed Azeri nationalism as threatening, particularly since the dissolution of the Soviet Union and the creation of an independent Azerbaijan. Mohammed Chehregani, an advocate for the cultural rights of Azeris, has been arrested, imprisoned, tortured, and released several times over the past five years. According to Azeri groups, Chehregani's December 1999 arrest was made to prevent his registration as a candidate for the February 2000 parliamentary elections (*see* Section 1.d.). They also claimed that there were a number of Azeri political prisoners jailed for advocating cultural and language rights for Iranian Azerbaijanis. The Government has charged several of them with "revolting against the Islamic state."

Foreign representatives of the Ahwazi Arabs of Khuzistan, whose numbers could range as high as 4 million or more, claimed that their community in the southwest of the country suffered from discrimination. They claimed that the Ahwazis were denied the right to study, speak, publish newspapers, and educate their children in Arabic, and that the use of Arabic names for babies was prohibited except for ordinary Shi'a religious names. They asserted that the Government has ignored their appeals to de-mine the vast stretches of Khuzistan which were mined during the Iran-Iraq War, and that consequently, many people, especially children, continued to be maimed by mines. They further stated that many Arabs, both Shi'a and Sunni, have been imprisoned and tortured for voicing opinions critical of government policies. According to these sources, five Arab-Iranian men have been hanged in the past several years for opposing the Government's policy of confiscating Arab lands in Khuzistan province.

Section 6. Worker Rights

a. The Right of Association.—The Labor Code grants workers the right to establish unions; however, the Government did not allow independent unions to exist. A national organization known as the Worker's House, founded in 1982, was the sole authorized national labor organization. It served primarily as a conduit for the Government to exert control over workers. The leadership of the Worker's House coordinated activities with Islamic labor councils, which were made up of representatives of the workers and one representative of management in industrial, agricultural, and service organizations of more than 35 employees. These councils also functioned as instruments of government control, although they frequently were able to block layoffs and dismissals.

According to the International Confederation of Free Trade Unions (ICFTU) Annual Survey of Violations of Trade Union Rights for the year, the role of the Work-

er's House changed in recent years, and there was more tolerance of workers' organizations, which included four nurses organizations, a health workers' union, and a textile workers' union. The report also notes that a February 2000 law exempted companies with up to 5 employees from the need to comply with labor legislation for 6 years. This law affected approximately 3 million workers, making them easier to hire and fire.

The Labor Code allows employers and employees to establish guilds. The guilds issued vocational licenses and helped members find jobs.

Instances of late or partial pay for government workers reportedly were common.

There were no known affiliations with international labor organizations.

b. The Right to Organize and Bargain Collectively.—Workers did not have the right to organize independently and negotiate collective bargaining agreements. The ICFTU also noted that the presence of security/intelligence forces in the workplace, as well as increasing use of temporary contracts, acted as obstacles to organizing.

The Government did not tolerate any strike deemed to be at odds with its economic and labor policies. The law prohibits strikes by government workers. It also prohibits government workers from having contacts with foreigners and stipulates penalties for failure to observe Islamic dress codes and principles at work. Nevertheless, strikes did occur. In addition to strikes, there were also work stoppages and protests by oil, textile, electrical manufacturing, and metal workers, as well as by the unemployed.

Many of these protests were due to non-payment of wage arrears, according to the ICFTU. It cited a March 2001 demonstration by 4,500 workers of the Simin textile factory in Isfahan, which was forcibly broken up by security forces, resulting in injuries and arrests. Another demonstration in May 2001 by 1000 textile workers at the Baresh factory for the same grievance was also attacked by police. Another protest by textile workers outside the Parliament building in June resulted in satisfaction of their demands, but subsequent demonstrations by workers there in July and in Isfahan in October were violently repressed.

It is not known whether labor legislation and practice in the export processing zones differ from the law and practice in the rest of the country. According to the ICFTU's Annual Survey of Violations of Trade Union Rights for the year, labor legislation did not apply in the export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Penal Code provides that the Government may require any person who does not have work to take suitable employment; however, this did not appear to be enforced regularly. This provision has been criticized frequently by the International Labor Organization (ILO) as contravening ILO Convention 29 on forced labor. The law prohibits forced and bonded labor by children; however, this was not enforced adequately, and such labor by children was a serious problem.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits forced and bonded labor by children; however, it was a serious problem (*see* Section 6.c.). The Labor Law prohibits employment of minors under 15 years of age and places restrictions on the employment of minors under age 18; however, laws pertaining to child labor were not enforced adequately. The law permits children to work in agriculture, domestic service, and some small businesses. By law, women and minors may not be employed in hard labor or night work. Information regarding the extent to which these regulations were enforced was not available. In August the country ratified ILO Convention 182 on the worst forms of Child Labor.

e. Acceptable Conditions of Work.—The Labor Code empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region; however, no information was available regarding mechanisms used to set wages. It was not known if the minimum wages were adjusted annually or enforced. The Labor Code stipulates that the minimum wage should be sufficient to meet the living expenses of a family and should take inflation into account. Under poor economic conditions, many middle-class citizens must work two or three jobs to support their families. The daily minimum wage for an uneducated laborer was $2.50 (2000 tomans), which was not sufficient to provide a decent standard of living for a worker and family.

The Labor Code establishes a maximum 6-day, 48-hour workweek, with 1 weekly rest day, normally Fridays, and at least 12 days of paid annual leave and several paid public holidays.

According to the Labor Code, a Supreme Safety Council, chaired by the Labor Minister or his representative, is responsible for promoting workplace safety and health. The Council reportedly issued 28 safety directives, and oversaw the activities of 3,000 safety committees established in enterprises employing more than 10 persons. Labor organizations outside the country have alleged that hazardous work

environments have been common in the country and have resulted in thousands of worker deaths per year. It was not known how well the Ministry's inspectors enforced regulations. It was not known whether workers could remove themselves from hazardous situations without risking the loss of employment.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and persons reportedly were trafficked to, through, and from the country during the year. Anecdotal reports indicated that during the year, there may have been a rise in trafficking due to the unsettled situation and passage of people across the border with Afghanistan. It was difficult to measure the extent of the Government's efforts to curb human trafficking, but national and international press reporting indicated that Tehran has taken action against bandits involved in abducting women and children. The regime has also reportedly arrested, convicted, and executed numerous human trafficking offenders. During the year, police reportedly arrested numerous members of prostitution rings and closed down brothels.

In May the police arrested 100 persons, including both citizens and foreigners, who had allegedly trafficked young girls to France, Britain, Turkey, and certain Gulf countries. There were three other large networks discovered in the investigation which sent girls to the UAE, Kuwait, Qatar, and Turkey.

In June senior judicial officials were implicated in a prostitution network in Tehran and in August, the judge of a revolutionary court in the Karaj was sentenced to 10 years in prison and a lashing for forcing runaway girls to work as prostitutes.

Also in August, authorities broke up a prostitution ring in Mashad that was responsible for trafficking many young women into Pakistan for forced prostitution.

The UNSR noted in his August 2001 report that a girl's shelter in Karaj, the Jasmine Center, was closed down after an investigation reportedly revealed that it had become involved in the trafficking of girls. The press focused on the high-level connections of the operators of the Center. The authorities subsequently charged a judge of the Revolutionary Court in the affair.

There were reports in 2001 that women were trafficked to the UAE for the purpose of forced prostitution. There also were reports in 2001 that young boys were trafficked through the country to be camel jockeys in the UAE.

There were reportedly three trials in 2001 related to the trafficking of persons; however, there was no information regarding the details of the trials or their outcomes.

IRAQ [1]

Under the provisional Constitution of 1968, Iraq claims to be a democratic republic. However, political power has rested exclusively in a harshly repressive one-party apparatus dominated by Saddam Hussein al-Tikriti and members of his extended family. According to the Constitution, the Arab Ba'th Socialist Party governs Iraq through the Revolutionary Command Council (RCC), which exercised both executive and legislative authority. President Saddam Hussein, who was also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the Ba'th Party, therefore wielded absolute decisive power. Hussein and his regime obtained 100 percent of the votes cast in a nondemocratic "referendum" on his presidency held in October that did not include secret ballots, and many credible reports indicated that voters feared possible reprisal for a dissenting vote. The judiciary was not independent, and the President had the ability to override any ruling or refer any case to a secret system of special courts outside the normal judiciary.

Under the RCC and Ba'ath party structure, the Tikriti family maintained total effective control of the security forces and the military. The regime's security apparatus included militias attached to the President, the Ba'th Party, and the Interior Ministry. The military and these paramilitary forces often played an internal security role and were central to maintaining the environment of intimidation and fear on which regime power depended. The regime historically made little attempt to acknowledge, investigate, or punish officials or members of the military or security forces accused of human rights abuses; however, in February it admitted that state police were commonly accused of human rights violations. Members of the military and security forces committed widespread, serious, and systematic human rights abuses. In the Kurdish North, party militias under civilian control provided regional security and have committed human rights abuses.

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[1] The United States does not have diplomatic representation in Iraq. This report draws to a large extent on non-U.S. Government sources.

The country has an estimated population of 24 million people. The regime owned all major industries and controlled most of the highly centralized economy, which is based largely on oil production. The Iran-Iraq and Gulf Wars damaged the economy, and the country has been subject to U.N. sanctions since its 1990 invasion of Kuwait. Sanctions ban all exports, except oil sales, under U.N. Security Council Resolution 986 and subsequent resolutions—the "oil-for-food" program. Under the program, the country also was permitted, under U.N. control, to import food, medicine, supplies for water, sanitation, electricity, agriculture, and education projects, and spare parts for the oil sector. The regime routinely circumvented U.N. sanctions. Under a Memorandum of Understanding with the U.N., the regime shares administration of 13 percent of "oil for food" revenues with Kurdish parties in areas under their control.

Ethnically and linguistically the Iraqi population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, and Armenians. The religious mix likewise is varied and consists of Shi'a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), Kurdish Yazidis, and a small number of Jews and Sabean Mandaeans. Civil uprisings occurred in previous years, especially in Kurdish areas in the north and Shi'a areas in the south. The minority Arab Sunni regime reacted with extreme repression against those who oppose or even question it. The regime also systematically forced the removal of ethnic minorities under its policy of "Arabizing" arable land.

The regime's human rights record remained extremely poor, and it continued to commit numerous, serious human rights abuses. Citizens did not have the right to change the regime. The regime continued summarily to execute alleged political opponents and leaders of the Shi'a religious community. Reports suggested that persons were executed merely because of their association with an opposition group. The regime continued to be responsible for disappearances and to kill and torture persons suspected of or related to persons suspected of oppositionist politics, economic crimes, military desertion, and a variety of other activities.

Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions were extremely poor and frequently life threatening. The regime reportedly conducted "prison cleansing" campaigns to kill inmates in order to relieve overcrowding in the prisons. The authorities routinely used arbitrary arrest and detention, prolonged detention, and incommunicado detention, and continued to deny citizens the basic right to due process. The regime granted a much-publicized amnesty in October to all prisoners except those accused of spying for the United States or Israel, but by all accounts prisoner release was not as universal as claimed. This public relations event served mainly to corroborate previous reporting of summary executions, disappearances, torture, and inhuman living conditions within the regime's prison system. Many prisoners remained unaccounted for after the amnesty.

Saddam Hussein and his inner circle of supporters continued to impose arbitrary rule. The regime continued to infringe on citizens' privacy rights. The regime severely restricted freedoms of speech, the press, assembly, association, religion, and movement. The U.N. Special Rapporteur on the situation of human rights in the country issued a report in March detailing ongoing, grievous violations of human rights by the regime. The U.N. Commission on Human Rights and the U.N. General Assembly passed a resolution in November criticizing the regime's suppression of these freedoms. In April the European Parliament published a report condemning the regime's human rights abuses. Nevertheless, human rights abuses remained difficult to document because of the regime's concealment of facts, including its prohibition on the establishment of independent human rights organizations, its persistent refusal to allow visits of human rights monitors, and its continued restrictions designed to prevent dissent. Although in February, the Special Rapporteur was allowed a single, 4-day visit to research abuses in the country for the first time since 1992, time and access were severely limited and strongly controlled by the regime. It has refused to allow a followup visit. Past U.N. reporting on the regime's human rights abuses was based almost entirely on interviews with recent emigrants, opposition groups and others that had contacts inside the country, and on published reports from outside the country. Violence and discrimination against women occurred.

The regime has enacted laws affording a variety of protections to women; however, it has been difficult to determine the practical effects of such protections. The regime neglected the health and nutritional needs of children and discriminated against religious minorities and ethnic groups. The regime restricted severely trade union rights, and there were instances of forced labor.

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) have controlled most areas in the three northern provinces of Erbil, Duhok,

and Sulaymaniah since the regime withdrew its military forces and civilian administrative personnel from the area after the 1991 Kurdish uprising. The KDP and the PUK fought one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The cease-fire has held, although reunification measures were long delayed. The unified Assembly was convened for the first time in October. The PUK held municipal elections in February 2000 and the KDP held municipal elections in May 2001, the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

The KDP, PUK, and other opposition groups committed human rights abuses. However, the PUK and KDP have enacted laws establishing an independent judiciary, providing for freedom of religion, freedom of the press, freedom of assembly, the right to form political parties, and women's and workers' rights. According to press reporting and independent observers, both groups generally observed such laws in practice. In addition, both the PUK and KDP have established human rights ministries to monitor human rights conditions, to submit reports to relevant international bodies, including the International Committee of the Red Cross (ICRC), and to recommend ways to end abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—In keeping with its long and established record of executing perceived or alleged political opponents, the regime committed numerous political and other extrajudicial killings throughout the reporting period. The U.N. Special Rapporteur repeatedly criticized the regime for the "sheer number of executions" taking place in the country, the number of "extrajudicial executions on political grounds," and "the absence of a due process of the law."

The list of offenses legally requiring a mandatory death penalty has grown substantially in past years and includes anything that could be characterized as "sabotaging the national economy." This includes offenses such as forgery, as well as smuggling cars, spare parts, heavy equipment, and machinery. More significantly, the Special Rapporteur noted that mere membership in certain political parties was punishable by death, and that there was a pervasive fear of death for any act or expression of dissent. There were recurrent reports of the use of the death penalty for such offenses as "insulting" the President or the Ba'th Party. The Special Rapporteur also noted that even the "suggestion that someone is not a supporter of the President carries the prospect of the death penalty."

As in previous years, there were numerous credible reports that the regime continued to execute persons thought to be involved in plotting against Saddam Hussein or the Ba'th Party. These executions included high-ranking civilian, military, and tribal leaders. In January Iraq Press (IP) reported that three dissidents—Ali Hassan Abed, Jawad Kadhem, and Abdujabaleel al-Uqaili—were executed for allegedly attacking members of the Ba'th Party. In February IP also reported that 10 senior army Republican Guard officers, including Lieutenant General Mohammed al-Dulaimi, were executed for allegedly plotting a coup. In April the U.K.-based Guardian newspaper reported that Lieutenant Colonel Mohamad Daham al-Tikriti, a recent defector from the General Security Service, admitted that in February 150–200 civilians were killed "at random" on suspicion of conspiracy and buried in a mass grave near Baghdad as part of a larger effort in which 1,500 civilians were summarily executed in the first 2 months of the year. According to Human Rights Watch (HRW) World Report for 2003, civilians detained in Abu Ghurayb prison were apparently executed in March and others in June. A number of military personnel were reportedly also executed in March in Baghdad, Mosul, and other cities. HRW also documented that 11 military officers, including an Army Major General, were executed between March and July 2001; and other executions of mid-level to senior officers occurred in August and October 2001, all on the charge of involvement in suspected coup attempts. In June the Iraqi Communist Party (ICP) reported that eight citizens from Basra were executed in November 2001 on suspicion of contacting the opposition.

The regime reportedly continued to pursue a policy of eliminating prominent Shi'a clerics and their followers suspected of disloyalty to the regime. For instance, the Sunday Times reported in May that regime security forces attacked Shi'a worshippers in Karbala on a religious pilgrimage to the shrine of Imam Hussein, killing at least 40 of them. This continued an alleged pattern of repression against Shi'a. For example, according to HRW, five Shi'a from al-Najaf province were among those apparently executed in March in Abu Ghurayb prison. In 2001 the regime reportedly executed two Shi'a clerics for claiming that the regime was involved in the killing

of a Shi'a cleric in 1999 and killed another Shi'a cleric, Hussein Bahr al-Uloom, for refusing to appear on television to congratulate Qusay Saddam Hussein on his election to a Ba'th Party position. In 1998 and 1999, the regime killed a number of leading Shi'a clerics, prompting the former Special Rapporteur in 1999 to express his concern to the regime that the killings might be part of a systematic attack by regime officials on the independent leadership of the Shi'a community (*see* Section 2.c.). The regime did not respond to the Special Rapporteur's letter.

Regime agents publicly targeted family members of defectors and dissidents for torture and killing (*see* Section 1.f.). This continued an alleged pattern of torture of relatives of dissidents. For example, in 2001 the regime reportedly tortured to death the mother of three Iraqi defectors for her children's opposition activities. In 2000 regime agents reportedly killed Safiyah Hassan, who allegedly publicly criticized the regime for killing her husband and two sons, Hussein and Saddam Kamal. Her husband and sons had been senior regime officials; however, the brothers defected to Jordan in 1996. The regime offered the men immunity if they returned to the country; however, upon their return, regime agents killed them and their father.

Regime security forces conducted numerous killings of political prisoners, minority group members, criminal suspects, and others during attempted apprehension or while in custody. Opposition groups and defectors continued to provide detailed accounts, including the names of hundreds of persons killed, of summary prison executions carried out for the apparent purpose of reducing prison overcrowding. In September 2001, the regime executed 28 political prisoners in Abu Ghurayb prison as a part of its prison cleansing campaign. During 2000 the Special Rapporteur received reports referring to a prison cleansing execution campaign taking place in Abu Ghurayb, Radwaniyah, and other prisons. A former officer from the Mukhabarat (Intelligence Service) reported that he participated in a 1998 mass murder at Abu Ghurayb prison following a Revolutionary Command Council directive to "clean out" the country's prisons. The regime's motive for such high numbers of summary executions, estimated at more than 4,000 since 1997, may also be linked to reported efforts to intimidate the population.

In a much-publicized move, the regime announced 48 hours in advance a surprise amnesty, which included political prisoners and army deserters in October. Those released were mainly held in Abu Ghurayb prison. Press reports reflected evidence that some prisoners were summarily executed in anticipation of the release. Also, many families expecting the release of relatives in this amnesty reportedly discovered that they had been executed in captivity without trial. The regime made no effort to investigate current or past cases, answer accusations about summary executions, or identify and punish perpetrators during the year.

Among many other examples of killings in custody, HRW reported that the regime hanged 'Abd al-Waheed al-Rifa'i in March 2001 after 2 years in detention without trial. Relatives reported his body bore marks of torture when they collected it from the General Security Directorate in Baghdad. Reports of deaths in custody due to poor prison conditions and official negligence continued (*see* Section 1.c.). In addition, many people who were displaced forcibly still lived in tent camps under harsh conditions, which also resulted in many deaths (*see* Sections 2.d. and 5).

Reports of deaths of civilians caused by landmines continued. Approximately 7 million landmines left over from the Iran-Iraq war remain in place in northern Iraq. PUK representatives reported that the population living in the region under its control suffered approximately 250 casualties per month from exploded mines. Many of these victims died. Despite repeated requests, the regime refused to provide maps of known mine fields to facilitate their removal (*see* Section 1.g.).

There were many notable cases of regime extrajudicial killings that remained outstanding. As in previous years, the regime continued to deny the widespread killings of Kurds in the north of the country during the "Anfal" campaign of 1988 (*see* Sections 1.b. and 1.g.). Both the Special Rapporteur and HRW concluded that the regime's policies against the Kurds raised questions of crimes against humanity and violations of the 1948 Genocide Convention.

In February the Minister of Justice specifically informed the Special Rapporteur that prostitution is not punishable by death under the law and claimed that no one had been sentenced to death for prostitution in many years. However, security forces allegedly beheaded a number of women suspected of prostitution and some men suspected of facilitating or covering up such activities in October 2001. Security agents reportedly decapitated numerous women and men in front of their family members. According to Amnesty International (AI), the victim's heads were displayed in front of their homes for several days. Thirty of the victims' names reportedly were published, which included three doctors and one medical assistant.

Politically motivated killings by opposition groups and rebel/insurgent/terrorist groups continued. Political killings and terrorist actions continued in the Kurd-con-

trolled north of the country. For example, numerous press reports in November and December outlined several battles in the northeast between PUK forces and fighters of Ansar al-Islam (AAI), an Islamic extremist group. Such fighting continued a pattern of violence in that area. In 2001 assailants assassinated the governor of Irbil, Fransu Hariri. PUK and KDP investigators blamed Islamic groups such as AAI for the killing. In 2000 unknown persons killed the leader of the Democratic Nationalist Union of Kurdistan, Sirbit Mahmud. In July 2000, unknown assailants killed parliamentary deputy Osman Hassan. Also in July 2000, PUK forces reportedly killed a number of members of the Iraqi Communist Workers Party (ICWP), and KDP forces killed several members of the Iraqi Turkmen Front (ITF). Neither the PUK nor the KDP released information regarding investigations into the killings. Political killings and terrorist actions continued in ethnically Shi'a southern provinces. In January IP reported three assailants attacked Major Kadhem al-Zaidi, a senior Mukhabarat officer notorious for his use of torture, near Basra. This continued a pattern of retaliatory violence in the south of the country. For example, in 2001 the Supreme Council for the Islamic Revolution in Iraq (SCIRI) reported that its members killed Raed Khidir, a Ba'th Party official in the south.

Killings due to societal violence were also reported. For example, Assyrian and Chaldean press reported in August that a Catholic nun was slain in Baghdad by alleged Muslim extremists (*see* Section 2.c.).

b. Disappearance.—There continued to be widespread reports of disappearances throughout the year. The regime did nothing to address accusations regarding previously reported disappearances. A large number of presumed disappeared citizens remained unaccounted for.

Hundreds were still missing in the aftermath of the brief military occupation of Erbil in August 1996. Many of these persons may have been killed surreptitiously late in 1997 and throughout 1998, in the reported prison cleansing campaign (*see* Section 1.a.). The missing were primarily from the Kurd minority but included members of the Assyrian, Turkmen, and Yazidi communities.

The regime continued to ignore the more than 16,000 documented disappearance cases conveyed to it in 1994 and 1995 by the U.N. Special Rapporteur. Despite several well-publicized exchanges with Kuwait, Saudi Arabia, and Iran, the regime effectively ignored requests from those governments to account for those who disappeared during Iraq's 1990–91 occupation of Kuwait, and regarding prisoners of war captured in the 1980–88 Iran-Iraq war. The regime failed to return, and did little to account for, a large number of Kuwaiti citizens and citizens of other countries who were detained during the Iraqi occupation of Kuwait. Of 609 cases of missing Kuwaiti citizens under review by the Tripartite Commission on Gulf War Missing, only 3 have been resolved. The regime denied having any knowledge of the others and claimed that any relevant records were lost in the aftermath of the Gulf War, although it subsequently claimed to have provided such records to Kuwait in October. Iran reported that the regime still had not accounted for 5,000 Iranian prisoners of war (POWs) missing since the Iran-Iraq War. The Governments of Kuwait, Saudi Arabia, and Iran repeated calls for more dialog on this subject.

The majority of the 16,496 cases known to the Special Rapporteur were persons of Kurdish origin who disappeared during the 1988 Anfal campaign. In February the International Alliance for Justice/Coalition for Justice in Iraq (AIJ/CJI) and the British Broadcasting Company (BBC) reported the discovery of a fourth mass grave holding the executed bodies of six ethnic Kurds believed killed during the Anfal campaign, providing further evidence of the fate of the disappeared Kurds. The Special Rapporteur estimated that the total number of Kurds who disappeared during that period could reach several tens of thousands. Human Rights Watch estimated the total at between 70,000 and 150,000, and AI at more than 100,000. The second largest group of disappearance cases known to the Special Rapporteur consisted of Shi'a who were reported to have disappeared in the late 1970s and early 1980s as their families were expelled to Iran due to their alleged Persian ancestry.

In 2001 AI reported that the regime has the world's worst record for numbers of persons who disappeared and remained unaccounted for. Numerous credible reports alleged the existence of special prison wards that held individuals whose whereabouts, status, and fate was not disclosed (*see* Section 1.c.).

In 1997 and 1999, AI documented the repeated failure by the regime to respond to requests for information about persons who disappeared. The report detailed numerous unresolved cases dating from the early 1980s through the mid-1990s. The report concluded that few victims became targets of the regime because of any crime they had committed; rather, they were arrested and held as hostages in order to force a relative, who may have escaped abroad, to surrender. Others were arrested because of their family's link to a political opponent or simply because of their ethnic origin (*see* Sections 1.d. and 1.f.).

The Special Rapporteur and several human rights groups continued to request that the regime provide information about the 1991 arrest of the late Grand Ayatollah Abdullah Quasi Al-Koei and 108 of his associates. The Ayatollah died while under house arrest in Al-Najaf. Other individuals who were arrested with him have not been accounted for, and the regime refused to respond to queries regarding their status. Similarly, AI identified a number of Ayatollah Sadden al-Sadr's aides who were arrested in the weeks prior to his killing in February 1999 (*see* Sections 1.a., 1.d., and 1.g.). Their whereabouts remained unknown. In its November 1999 report, AI identified eight aides of al-Sadr who disappeared.

In addition to the tens of thousands of reported disappearances, human rights groups reported during the year that the regime continued to hold thousands of other citizens in incommunicado detention (*see* Sections 1.c., 1.d., and 1.e.).

In October press reports indicated that prisoners released in the prisoner amnesty, and families of prisoners that failed to appear after the release, alleged that numerous political prisoners remained incarcerated or had been secretly executed in prison. This event appeared to confirm the reported pattern of disappearances and secret executions alleged by human rights groups. The regime did not acknowledge conducting abductions, and has not iniated any investigations into alleged disappearances, nor attempted to bring perpetrators to justice.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits torture; however, the security services routinely and systematically tortured detainees throughout the year. According to former prisoners, torture techniques included branding, electric shock administered to the genitals and other areas, beating, removal of fingernails, amputation without anesthesia, burning with hot irons and blowtorches, suspension from rotating ceiling fans, dripping of acid on the skin, rape, breaking of limbs, denial of food and water, extended solitary confinement in dark and extremely small compartments, and threats to rape or otherwise harm family members and relatives. Evidence of such torture was often apparent when security forces returned the mutilated bodies of torture victims to their families. There were persistent reports that families were made to pay for the cost of executions of loved ones. Refugees who arrived in Europe often reported instances of torture to receiving governments and displayed scars and mutilations to substantiate their claims. In August 2001, AI released a report entitled "Iraq: Systematic Torture of Political Prisoners," which detailed the systematic and routine use of torture against suspected political opponents and, occasionally, other prisoners.

The Special Rapporteur continued to receive reports that arrested persons routinely were subjected to mistreatment, including prolonged interrogations accompanied by torture, beatings, and various deprivations. For some years, the Special Rapporteur expressed concern about cruel and unusual punishments prescribed by the law, including amputations and branding. In 2000 the authorities reportedly introduced tongue amputation as a punishment for persons who criticized Saddam Hussein or his family. In February regime authorities reportedly amputated the tongue of a person who allegedly criticized Saddam Hussein in the city of Diwaniya. As on previous occasions, authorities reportedly performed the amputation in front of a large crowd. Similar tongue amputations reportedly occurred in the city of Hilla during 2001. The regime never acknowledged such reports, conducted any investigation, nor took action against those who amputated prisoners' tongues. The Special Rapporteur received numerous reports of soldiers having their ears cut off as punishment for desertion. The Minister of the Interior admitted the existence of this practice, but claimed, in February, that "it had now definitively ceased."

There were numerous allegations of politically motivated torture and reports of torture against family members, including the children, of suspected critics of the regime. For instance, a Health Coordinator for the refugee health program in Yemen alleged in January that an Iraqi child under her care, bearing the marks of needle scars on its wrists and forearms, had reportedly been injected with an agent that caused severe mental retardation in retaliation for the father's suspected opposition to the regime. The U.K.-based Independent newspaper reported in March that the regime had begun publicly to threaten torture against family members of prominent exiled oppositionists and dissidents in an effort to curtail their political activities (*see* Section 1.f.). These reports continued a pattern of alleged systematic use of torture by the regime for political or other nationalist reasons. For example, the regime routinely tortured national soccer team players for poor performance. In May 2001, Saad Keis Naoman, a soccer player who defected to Europe, alleged that he and his teammates were beaten and humiliated at the order of Uday Saddam Hussein. In 2000 three soccer players, who played for a team that lost an October game in the Asian Cup quarterfinals, reportedly were whipped and detained for 3 days. Sharar Haydar Mohamad al-Hadithi, a former soccer player, stated in August

1999 that he and his teammates were tortured on Uday Hussein's orders for not winning matches. In 1997 members of the national soccer team reportedly were beaten and tortured on Uday's orders because of poor play in a World Cup qualifying match.

Beyond the use of torture, the regime systematically employed cruel, inhuman, and degrading treatment of people for political purposes. For example, the BBC reported in June that the regime forbids parents from burying the bodies of deceased children for an extended period of time (reportedly up to 3 or 4 months) so that they can be amassed for burial after propaganda parades and nationalist ceremonies.

Human rights organizations and opposition groups continued to receive reports of women who suffered from severe psychological trauma after being raped while in custody. Security forces also reportedly sexually assaulted and threatened sexual assault against officials, opposition members, and their families, in order to blackmail them into compliance (*see* Section 1.f.). This continued an alleged pattern of the regime's systematic use of rape for political purposes. Former Mukhabarat member Khalid Al-Janabi reported in 2001 that a Mukhabarat unit, the Technical Operations Directorate, used rape and sexual assault in a systematic and institutionalized manner for political purposes. The unit reportedly also videotaped the rape of female relatives of suspected oppositionists and used the videotapes for blackmail purposes and to ensure future cooperation (*see* Section 1.f.). The security forces allegedly also raped women who were captured during the Anfal campaign in the 1980s and during the 1990 occupation of Kuwait. The regime never acknowledged these reports, conducted any investigation, nor took action against those who committed the rapes.

Prison conditions were extremely poor and life threatening. There reportedly were numerous official, semi-official, and private prisons throughout the country. Overcrowding was a serious problem. In May 1998, Labor and Social Affairs Minister Abdul Hamid Aziz Sabah stated in an interview that "the prisons are filled to five times their capacity and the situation is serious." Sabah was dismissed from his post at that time, and the regime-owned daily newspaper Babel reiterated the regime's longstanding claim that it held virtually no prisoners. However, in February the Minister of Labor and Social Affairs admitted to the Special Rapporteur that the prison system was overcrowded. It remained unclear to what extent the mass executions committed pursuant to the prison cleansing campaign reduced overcrowding prior to the October prisoner amnesty (*see* Section 1.a.). It also remained unclear how many prisoners were actually released in the amnesty. Press reports indicated that the chief focus of the prison amnesty was Abu Ghurayb prison, and that other facilities held many political prisoners. Many families of prisoners who did not appear in the amnesty alleged that their relatives were either killed in custody or remained secreted in other facilities.

Certain prisons were infamous for routine mistreatment of detainees and prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwaniyah, and other prisons reportedly had torture chambers. Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980s during the Iran-Iraq war, reportedly were being held incommunicado at the Abu Ghurayb prison. There were numerous mentally ill prisoners at Al-Shamma'iya prison in Baghdad, which reportedly was the site of torture and a number of disappearances. The Al-Radwaniyah detention center was a former POW facility near Baghdad and reportedly the site of torture as well as mass executions (*see* Section 1.a.).

In March the regime released the body of a prominent executed dissident. The family alleged that the body bore obvious marks of torture from his incarceration (*see* Section 1.a.). This continued an alleged pattern of systematic abuse of prisoners by the regime. For example, in 2000 the Special Rapporteur reported receiving information about two detention facilities in which prisoners were locked in metal boxes the size of coffins that reportedly were opened for only 30 minutes each day. A multistory underground detention and torture center reportedly was built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Center for Human Rights of the Iraqi Communist Party (CHR/ICP) stated that the complex included torture and execution chambers. A section reportedly was reserved for prisoners in a "frozen" state—whose status, fate, or whereabouts were not disclosed (*see* Section 1.b.). In 2000 the Iraqi Communist Party reported that 13 prisoners died at Makaseb detention center in December 1999 and January 2000 as a result of torture and poor prison conditions. ICP reported that three prisoners were killed in a prison in Ashar in the southern province of Basra in March when a guard who was in the process of beating a number of prisoners fired a gun at prisoners who tried to defend themselves. Another prisoner injured in the incident reportedly later died of his wounds (*see* Section 1.g.).

In the past, the regime had not permitted visits by human rights observers, but did allow the Special Rapporteur to inspect briefly several prisons during his February visit. The Special Rapporteur observed that sections of the Abu Ghurayb facility that he visited kept prisoners in "conditions that were almost appalling." The regime claimed that prisons were open to inspections from the ICRC in accordance with standard modalities, but the ICRC had stated that it had only been given intermittent access to facilities such as Abu Ghurayb prison, and that access was only to well-known, better-kept facilities for foreign nationals.

Iraqi Kurdish regional officials reported in 2000 that prisons in the three northern provinces were open to the ICRC and other international observers. According to the ICRC, regular and consistent improvement in conditions was observed on its weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintained private, undeclared prisons, and both groups reportedly denied access to ICRC officials to those facilities. There were reports that authorities of both the PUK and KDP tortured detainees and prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the legal code explicitly prohibit arbitrary arrest and detention; however, the authorities routinely engaged in these practices. The Special Rapporteur continued to receive reports of widespread arbitrary arrest and detention, often for long periods of time, without access to a lawyer or the courts. As indicated in the November 1999 AI report, "Iraq: Victims of Systematic Repression," many thousands of persons have been arrested arbitrarily in the last few years because of suspected opposition activities or because they were related to persons sought by the authorities. Those arrested often were taken away by plainclothes security agents, who offered no explanation and produced no warrant to the person or family members (*see* Section 1.f.). The authorities frequently denied detainees legal representation and visits by family members. In most cases, family members did not know the whereabouts of detainees and did not make inquiries for fear of reprisal. Many persons were taken away in front of family members, who heard nothing further until days, months, or years later, when they were told to retrieve the often-mutilated corpse of their relative. There also were reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others (*see* Section 1.f.).

IP reported in March that the regime had arbitrarily arrested 50 Kurds in a new mass detention in Khanaqin as part of its ethnic cleansing campaign in Kurdish areas under its control. The report alleged that Ba'thist agents subsequently confiscated 40 private residences as part of this effort. This continued an alleged pattern of arbitrary arrest for political aims. For example, in 2001 the regime initiated an arrest and detention campaign involving thousands of individuals who initially had volunteered to serve in the newly formed Al-Quds militia force, but who had not shown up for training.

Mass arbitrary arrests and detentions often occurred in areas in which antiregime leaflets were distributed. In June 2001, the CJI reported that the regime arrested dozens of lawyers and jurists for distributing oppositionist leaflets that reportedly indicated the authors' intent to expose the regime's violations of human rights. Security forces arrested hundreds of persons in al-Najaf, Karbala, and in the Shi'a section of Baghdad following an anonymous distribution of antiregime leaflets in 2000. Many other arrests had no apparent basis. In September 2001, the regime arrested and expelled six U.N. humanitarian workers and refused to provide any evidence as a basis for its actions (*see* Section 1.g.).

According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remained in detention.

The regime reportedly targeted the Shi'a community for arbitrary arrest and other abuses. In February IP reported that security authorities detained and questioned Grand Ayatollah Ali al-Sisstani in the city of Najaf without a warrant on several occasions. This continued an alleged pattern of the regime's use of arbitrary arrest and detention to persecute the Shi'a population. For example, in May 2001, the regime reportedly executed two Shi'a clerics, Abdulsattar Abed-Ibrahim al-Mausawi and Ahmad al-Hashemi, for claiming that the regime was involved in the killing of a Shi'a cleric in 1999 and the killings of four engineers from the Electricity Board. In the weeks preceding the February 1999 killing of Ayatollah Sadeq al-Sadr and two of his sons, many of al-Sadr's aides were arrested, and their whereabouts still were unknown at year's end (*see* Sections 1.a., 1.b., and 1.g.). Hundreds more reportedly were arrested and the houses of many demolished in the weeks following Sadr's killing (*see* Section 1.g.).

Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who disappeared in the early 1980s during the Iran-Iraq war, reportedly were being held incommunicado at the Abu Ghurayb prison (*see* Section 1.c.). According to a report received by the Special Rapporteur in 1998, such persons had been detained without

charge for close to 2 decades in extremely harsh conditions. The report stated that many of the detainees were used as subjects in the country's secret, outlawed experimental chemical and biological weapons programs.

Although no statistics were available, observers estimated the number of political detainees to be in the tens of thousands, some of whom have been held for decades.

In recent years the regime made several efforts to improve its standing with human rights groups and the U.N. Special Rapporteur by declaring prisoner, deserter, and exilee amnesties, most recently in October (*see* Section 1.c.). In June 1999, in another example, the regime announced a general amnesty for citizens who had left the country illegally or were exiled officially for a specified period of time but failed to return after the period of exile expired (*see* Section 2.d.). No citizens were known to have returned to the country based upon this amnesty, and an estimated 2 to 3 million self-exiled citizens reportedly remained fearful of returning to the country. For the most part, these declared amnesties have been dismissed as public relations gestures and merely corroborated allegations that the regime arbitrarily arrested and detained many citizens. Past reporting also indicated that it was very difficult or expensive for prisoners to obtain release once incarcerated. In May 2001, the press reported that the authorities released 3,000 prisoners who paid bribes to prison officials to have their prison terms cut. One former prisoner said his family paid approximately $3,125 (5 million Iraqi dinars) for him to be released after serving 7 years of his original 15-year sentence.

The PUK and the KDP reportedly held some political prisoners and detainees in the north of the country. The KDP and PUK reached agreement for the mutual release of political prisoners in 1999. In March 2000, the KDP released 10 PUK prisoners and the PUK released 5 KDP prisoners (*see* Section 1.g.). In 2001 PUK and KDP officials reported that all remaining PUK and KDP political prisoners and detainees had been exchanged per the agreement.

e. Denial of Fair Public Trial.—The judiciary was not independent, and there was no check on the President's power to override any court decision. In 1999 the Special Rapporteur and international human rights groups observed that the repressive nature of the political and legal systems precludes the rule of law. Numerous laws facilitate continued repression, and the regime used extrajudicial methods to extract confessions or coerce cooperation.

There are parallel judicial systems: The regular courts, which try common criminal offenses; and the special security courts, which generally try national security cases but also may try criminal cases. In addition to the Court of Appeal, there is the Court of Cassation, which is the highest court. Special security courts reportedly have jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. According to the Special Rapporteur and other sources, military officers or civil servants with no legal training head these tribunals, which hear cases in secret. Authorities often held defendants incommunicado and did not permit contact with lawyers (*see* Section 1.d.). The courts admitted confessions extracted by torture, which often served as the basis for conviction (*see* Section 1.c.). Many cases appeared to end in summary execution, although defendants may appeal to the President for clemency. Saddam Hussein may grant clemency in any case that suits his political goals or predilections.

The Minister of Justice admitted the existence of the special security courts in February but claimed that they were staffed with judges from the regular judiciary, and that trials in such courts were conducted with all the rights and procedures of the normal civil courts. This prompted the Special Rapporteur to conclude that if this were true, such courts were unnecessary. There were no Shari'a (Islamic law) courts; however, regular courts were empowered to administer Shari'a in cases involving personal status, such as divorce and inheritance.

Procedures in the regular courts in theory provide for many protections; however, the regime often assigned to the security courts cases that, on their legal merits, would appear to fall under the jurisdiction of the regular courts. Trials in the regular courts are public, and defendants are entitled to counsel, at regime expense in the case of indigents. Defense lawyers have the right to review the charges and evidence brought against their clients. There is no jury system; panels of three judges try cases. Defendants have the right to appeal to the Court of Appeal and then to the Court of Cassation.

The regime shielded certain groups from prosecution for alleged crimes. For example, a 1990 decree granted immunity to men who committed "honor crimes," a violent assault with intent to commit murder against a woman by a relative for her perceived immodest behavior or alleged sexual misconduct (*see* Section 5). A 1992 decree granted immunity from prosecution to members of the Ba'th Party and security forces who killed anyone while in pursuit of army deserters. Unconfirmed but

widespread reports indicated that this decree had been applied to prevent trials or punishment of regime officials.

It was difficult to estimate the number of political prisoners, because the regime rarely acknowledged arrests or imprisonments, and families were afraid to talk about arrests. Many of the tens of thousands of persons who disappeared or were killed in the past few years originally were held as political prisoners.

Both the PUK- and the KDP-controlled local administrations maintained separate judicial systems. They used the Iraqi legal code. Both come under a separate Supreme Court of Cassation. During the year, PUK and KDP officials reported that the PUK and KDP had exchanged all political prisoners and detainees in accordance with a 1999 agreement. However, the PUK and the KDP reportedly continued to hold some political prisoners and detainees (*see* Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The regime frequently infringed on citizens' constitutional right to privacy, particularly in cases allegedly involving national security. The law defined security offenses so broadly that authorities effectively were exempt from the legal requirement to obtain search warrants, and searches without warrants were commonplace. The regime routinely ignored constitutional provisions designed to protect the confidentiality of mail, telegraphic correspondence, and telephone conversations. The regime periodically jammed news broadcasts from outside the country, including those of opposition groups (*see* Section 2.a.). The security services and the Ba'th Party maintained pervasive networks of informers to deter dissident activity and instill fear in the public.

The authorities continued systematically to detain, abuse, and kill family members and close associates of alleged regime opponents (*see* Sections 1.a., 1.b., 1.d., and 1.g.). In January for example, AIJ/CJI reported that the regime publicly threatened on Iraqi satellite TV to systematically rape the female relatives of Faiq Sheikh Ali, a prominent dissident and journalist residing abroad, in retaliation for his criticism of the regime on a political talk show. This continued an alleged pattern of the regime's systematic interference with privacy for political reasons. For example, in May 2001, the authorities reportedly tortured to death the mother of three defectors because of her children's opposition activities. In June 2000, a former general reportedly received a videotape of security forces raping a female family member. He subsequently received a telephone call from an intelligence agent who stated that another female relative was being held and warned him to stop speaking out against the regime. In November 1999, the regime expelled more than 4,000 families that had sought refuge in Baghdad after the 1991 Gulf War.

The regime continued its Arabization campaign of ethnic cleansing designed to harass and expel ethnic Kurds and Turkmen from regime-controlled areas. According to press reports and opposition sources, the regime forcibly displaced hundreds of families. In March the Los Angeles Times reported that the regime extended its Arabization efforts to include the placement of Arab names on headstones in cemeteries in non-Arab communities. In April the regime issued a new decree to all hospitals and bureaus registering births and deaths prohibiting the registration of Christian names. As in previous years, the regime periodically sealed off entire districts in Kirkuk and conducted day-long, house-to-house searches (*see* Sections 2.d. and 5). Regime officials also took hostage members of minority groups to intimidate their families into leaving their home regions (*see* Sections 1.d., 2.d., and 5). Authorities demolished the houses and detained and executed family members of Shi'a who protested regime actions (*see* Sections 1.d. and 1.g.).

The Special Rapporteur noted that guilt by association was facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the regime. For example, conscripts were required to secure a guarantor to sign a document stating that the named conscript would not desert military service and that the guarantor would accept personal responsibility if the conscript deserted. Relatives who did not report deserters could lose their ration cards for purchasing regime-controlled food supplies, be evicted from their residences, or face the arrest of other family members. The Supreme Council for the Islamic Revolution in Iraq reported in October and December 1999 that authorities denied food ration cards to families that failed to send their young sons to the "Lion Cubs of Saddam" compulsory weapons training camps (*see* Section 5).

The Special Security Office reportedly continued efforts to intimidate the relatives of opposition members. Relatives of citizens outside the country who were suspected of sympathizing with the opposition were forced to call the suspected opposition members to warn them against participating in opposition conferences or activities. Others were publicly threatened on satellite television with rape or torture if their relatives failed to cease political activities (*see* Section 2.a.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The authorities continued to detain, abuse, and kill family members and close associates of alleged regime opponents (*see* Sections 1.a., 1.b., and 1.f.). The regime had continued a campaign of intimidation directed at U.N. and nongovernmental organization (NGO) relief workers. In February 2001, the Foreign Minister threatened to cut official ties to U.N. workers supervising oil-for-food program distribution in northern Iraq, and to revoke their visas and deport them. In September 2001, the regime expelled six U.N. humanitarian relief workers without providing any explanation.

The regime continued to Arabize certain Kurdish areas, such as the urban centers of Kirkuk and Mosul, through the forced movement of local residents from their homes and villages and their replacement by Arabs from outside the area (*see* Sections 1.d., 1.f., 2.d., and 5).

Landmines in the north, mostly planted by the regime before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq and Gulf Wars; however, the army failed to clear them before it abandoned the area. Kurdish officials estimated that at least 7 million landmines remained in place in Kurdish-controlled areas. Landmines also were a problem along the Iraq-Iran border throughout the central and southern areas in the country. There was no information regarding civilian casualties or the regime's efforts, if any, to clear old mine fields in areas under the central regime's control. According to reports by the U.N. Office of Project Services, the Mines Advisory Group, and Norwegian Peoples' Aid, landmines killed more than 3,000 persons in the three northern provinces since the 1991 uprising. PUK officials estimated that mine casualties in its area of control occurred at a rate of approximately 250 per month. The Special Rapporteur repeatedly reminded the regime of its obligation under the Landmines Protocol to protect civilians from the effects of mines. Various NGOs continued efforts to remove landmines from the area and increase awareness of mines among local residents. PUK officials stated that the regime repeatedly rebuffed requests to provide maps of known minefields. In December 1998, the regime declared that mine-clearing activity was subversive and ordered NGO workers performing such activity to leave the country. In April 2001, Kurdish sources accused the regime of exploding a bomb near an NGO working on mine clearing in the north. In April 1999, a New Zealander working for the U.N. mine-clearing program in the north was shot and killed at close range by an unknown assailant. The KDP arrested a person who claimed to have killed the U.N. worker on behalf of Saddam Hussein's Fedayeen.

Regime attacks on Shi'a worshippers continued an alleged pattern of the use of excessive force for internal political reasons. For example, following the February 1999 killing of Ayatollah Mohammad Sadeq al-Sadr and his sons (*see* Section 1.a.), hundreds of persons were reportedly killed in military assaults on protesters in Shi'a areas of Baghdad, and in cities with a Shi'a majority such as Karbala, Nasiriyah, Najaf, and Basra. While a funeral for al-Sadr was prohibited, spontaneous gatherings of mourners took place in the days after his death. Regime security forces used excessive force in breaking up these illegal gatherings, killing hundreds of persons. In 2000 authorities continued to target alleged supporters of al-Sadr. Security officials reportedly executed 36 religious students who had been arrested after al-Sadr's killing. In 1999 and 2000, as a reprisal for the disturbances following al-Sadr's killing, the regime expelled approximately 4,000 Shi'a families from Baghdad. Numerous Shi'a who fled the country in 1999 and 2000 told HRW that security forces interrogated, detained, and tortured them.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the regime, including deliberate killing, torture, rape, pillage, and hostage-taking. HRW and other organizations worked with various agencies to bring a genocide case at the International Court of Justice against the regime for its conduct of the Anfal campaign against the Kurds in 1988.

During the year, no hostilities were reported between the two major Iraqi Kurdish parties in de facto control of northern Iraq. The KDP and the PUK agreed in September 1998 to unify their administrations; however, little progress has been made toward implementing the agreement. In October 1999, senior officials from the two parties agreed on a series of measures, including prisoner exchanges, the return of internally displaced persons (IDPs) to their homes, and arrangements for freedom of movement between their respective areas. Most of the measures were not implemented (*see* Section 1.d.). However, in 2001 the two main Kurdish parties reported some progress toward full implementation of the Washington Agreement, including the return of 3,000 IDPs displaced since the 1995–96 fighting, improved movement between the Kurdish-controlled areas, and the exchange of all prisoners. The unified Assembly was convened for the first time in October.

Press reports indicated that the PUK and AAI fought several minor battles resulting in a few deaths during the reporting period. Although minor compared to past events, this continued a pattern of violence in the Kurdish North. For example, in 2001 armed hostilities that resulted in deaths were reported between the PUK and Islamic groups, the PUK and the Kurdistan Workers Party (PKK), and the KDP and the PKK. In July 2000, the PUK reportedly ordered all opposition groups to move their offices out of Sulaymaniah's city center following a number of bombings; the ICWP reportedly refused to move. PUK security forces subsequently killed at least six ICWP members and arrested several others at an ICWP office in Sulaymaniah. PUK forces also killed several ICWP members who were inside a car. In connection with this dispute, the PUK closed the ICWP-affiliated Independent Women's Organization and the Women's Protection Center in July 2000 and detained temporarily 12 women who had been staying at an abused women's shelter within the Center. The PUK announced that it would investigate the security forces' actions; however, no information was available by year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press "in compliance with the revolutionary, national, and progressive trend"; however, in practice the regime did not permit freedom of speech or of the press and did not tolerate political dissent in areas under its control. In November 2000, the U.N. General Assembly again criticized the regime's "suppression of freedom of thought, expression, information, association, and assembly." The Special Rapporteur stated in October 1999 that citizens lived "in a climate of fear," in which whatever they said or did, particularly in the area of politics, involved "the risk of arrest and interrogation by the police or military intelligence." He noted that "the mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty."

There were numerous reports throughout the year of regime interference in the freedom of speech. For example, in February the World Association of Newspapers (WAN) condemned the regime's attempt to muzzle prominent dissident journalist Faiq Sheikh Ali (*see* Section 1.f.) and expressed concern that another prominent journalist received death threats during the year for his contact with members of the opposition. This continued a pattern of alleged regime interference in the freedom of speech. In June 2001, the Human Rights Alliance reported that the regime had killed more than 500 journalists and intellectuals over the previous decade.

The regime, the Ba'th Party, or persons close to Saddam Hussein owned all print and broadcast media and operated them as propaganda outlets. They generally did not report opposing points of view that were expressed either domestically or abroad. A 2002 Freedom House report rated press freedom in the country at 96 out of a possible 100 points, with 0 being the most free and 100 being the most controlled. Several statutes and decrees suppress freedom of speech and of the press, including: Revolutionary Command Council Decree Number 840 of 1986, which penalizes free expression and stipulates the death penalty for anyone insulting the President or other high regime officials; Section 214 of the Penal Code, which prohibits singing a song likely to cause civil strife; and the 1968 Press Act, which prohibits the writing of articles on 12 specific subjects, including those detrimental to the President, the Revolutionary Command Council, and the Ba'th Party. In February 2001, opposition press reported that the regime added the penalty of cutting out the tongue of anyone who ridiculed the President. There were several reports during the year that this penalty was imposed (*see* Section 1.c.).

The Ministry of Culture and Information periodically held meetings at which it issued general guidelines for the press. Foreign journalists must work from offices located within the ministry building and were accompanied everywhere they go by ministry officers, who reportedly restricted their movements and made it impossible for them to interact freely with citizens.

According to the Special Rapporteur, journalists were under continuous pressure to join the Ba'th Party and must follow the mandates of the Iraqi Union of Journalists, headed by Uday Hussein. According to local sources, in 1999 Uday Hussein dismissed hundreds of union members who had not praised Saddam Hussein and the regime sufficiently or often enough (*see* Section 6.a.). Each reporter must inform a security officer regarding the nature of news intended for the foreign media, and intelligence officers screen broadcasts before airing. In October the regime attempted to expel foreign journalists who reported on the spontaneous demonstrations of family members of disappeared prisoners that erupted after they failed to appear in the prison amnesty. This continued a pattern of interference in the freedom of the press. For example, in September 1999, Hashem Hasan, a journalist and Baghdad University professor, was arrested after declining an appointment as edi-

tor of one of Uday Hussein's publications. The Paris-based Reporters Without Borders (RSF) sent a letter of appeal to Uday Hussein; however, Hassan's fate and whereabouts still remained unknown at year's end (*see* Section 1.b.).

The regime regularly jammed foreign news broadcasts (*see* Section 1.f.). Satellite dishes, modems, and fax machines were banned, although some restrictions reportedly were lifted in 1999. Regime-controlled areas had only two land-based television channels, the official Iraq Television, and Youth TV, owned by Uday Saddam Hussein. In 2001 Uday Hussein reportedly assumed control of the satellite television service. According to press reports, Internet service was available but highly restricted by the regime. Reportedly only 500 computers had links to the web within regime-controlled areas, and these access points were subject to close oversight from regime censors. Books may be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sent textbooks with proregime propaganda to Kurdish regions; however, Kurds routinely removed propaganda items from such textbooks.

The regime did not respect academic freedom and exercised strict control over academic publications and foreign travel by academics. University employees were hired and fired depending on their support for the regime.

In the north, many independent newspapers appeared over the past 8 years, as did opposition radio and television broadcasts. The absence of central authority permitted significant freedom of expression, including criticism of the regional Kurdish authorities; however, most journalists were influenced or controlled by various political organizations. Satellite services and related equipment for telephone, fax, Internet, and television services were available. Although the rival Kurdish parties in the north, the PUK and KDP, stated that full press freedom was allowed in areas under their respective control, in practice neither effectively permitted distribution of the opposing group's newspapers and other literature.

The Internet was available widely through Internet cafes in major urban centers in Kurdish-controlled areas. In regime-operated Internet cafes, users only were permitted to view Web sites provided by the Ministry of Culture and Information. The regional authorities did not try to limit access to preapproved web sites; however, they often monitored web usage by individuals.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the regime restricted this right in practice. Citizens may not assemble legally other than to express support for the regime, which regularly orchestrated crowds to demonstrate support for it and its policies through financial incentives for those who participated and threats of violence against those who did not. According to press reports, several spontaneous demonstrations arising in the wake of the October prison amnesty were forcibly dispersed (*see* Sections 1.a. and 1.b.).

The Constitution provides for freedom of association; however, the regime restricted this right in practice. The regime controlled the establishment of political parties, regulated their internal affairs, and monitored their activities. New political parties must be based in Baghdad and were prohibited from having any ethnic or religious character. The political magazine Alef-Be, which is published by the Ministry of Culture and Information, reported in December 1999 that two political groups would not be permitted to form parties because they had an insufficient number of members. The magazine reprinted the conditions necessary to establish political parties, which included the requirement that a political group must have at least 150 members over the age of 25. A 1999 law also stipulates that new parties must "take pride" in the 1958 and 1968 revolutions, which created the republic and brought the Ba'th Party to power. Several parties were outlawed specifically, and membership in them was a capital offense (*see* Section 3). The law prescribes the death penalty for anyone "infiltrating" the Ba'th Party.

In the Kurdish-controlled north, numerous political parties and social and cultural organizations existed. The KDP- and PUK-controlled administrations imposed restrictions on some political parties and groups they considered security risks, or that refused to register as political parties or to participate in local elections. The PUK and KDP have forced political parties that violate these rules to shut down. Neither the KDP nor PUK allowed the other group to open party offices in territory under its control; however, they did allow other political parties to operate in those territories and included them in their administrations.

c. Freedom of Religion.—The Constitution provides for freedom of religion provided that it does not violate "morality and public order"; however, the regime severely limited freedom of religion in practice. Islam is the official state religion. The Ministry of Endowments and Religious Affairs monitored places of worship, ap-

pointed the clergy, approved the building and repair of all places of worship, and approved the publication of all religious literature.

More than 95 percent of the population is Muslim. The (predominantly Arab) Shi'a constitute a 60 to 65 percent majority, while Sunni make up 32 to 37 percent (approximately 18 to 20 percent are Sunni Kurds, 13 to 16 percent are Sunni Arabs, and the rest are Sunni Turkmen). The remaining approximately 5 percent consist of Christians—Chaldeans (Roman Catholic), Assyrians (Church of the East), Syriac (Eastern Orthodox), and Yazidis (Armenian Orthodox), and a small number of Jews and Sabean Mandaeans.

The regime does not recognize political organizations that have been formed by Shi'a Muslims or Assyrian Christians. These groups continued to attract support despite their illegal status. There are religious qualifications for government office; candidates for the National Assembly, for example, "must believe in God" (*see* Section 3).

Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively have controlled the regime since independence in 1932. Sunni Arabs are at a distinct advantage in all areas of secular life, including civil, political, military, and economic. Shi'a and Sunni Arabs are not distinct ethnically. Shi'a Arabs have supported an independent country alongside Sunni Arabs since the 1920 Revolt, many joined the Ba'th Party, and Shi'a formed the core of the army in the 1980–88 Iran-Iraq War. Shi'a Arabs, the religious majority of the population, have long been economically, politically, and socially disadvantaged. Like the Sunni Kurds and other ethnic and religious groups in the north, the Shi'a Arabs of the south have been targeted for particular discrimination and abuse.

The regime has for decades conducted a brutal campaign of murder, summary execution, and protracted arbitrary arrest against the religious leaders and followers of the majority Shi'a population (*see* Sections 1.a., 1.d., and 1.g.). Despite nominal legal protection of religious equality, the regime severely repressed the Shi'a clergy and those who follow the Shi'a faith. Forces from the Mukhabarat, General Security (Amin Al-Amm), the Military Bureau, Saddam's Commandos (Fedayeen Saddam), and the Ba'th Party killed senior Shi'a clerics, desecrated Shi'a mosques and holy sites, and interfered with Shi'a religious education. Security agents reportedly were stationed at all major Shi'a mosques and shrines and searched, harassed, and arbitrarily arrested worshipers.

The following regime restrictions on religious rights remained in effect during the year: Restrictions and outright bans on communal Friday prayer by Shi'a; restrictions on the loaning of books by Shi'a mosque libraries; a ban on the broadcast of Shi'a programs on regime-controlled radio or television; a ban on the publication of Shi'a books, including prayer books and guides; a ban on funeral processions other than those organized by the regime; a ban on other Shi'a funeral observances such as gatherings for Koran reading; and the prohibition of certain processions and public meetings that commemorate Shi'a holy days. Shi'a groups report that they captured documents from the security services during the 1991 uprising that listed thousands of forbidden Shi'a religious writings.

In June 1999, several Shi'a opposition groups reported that the regime instituted a program in the predominantly Shi'a districts of Baghdad that used food ration cards to restrict where individuals could pray. The ration cards, part of the U.N. oil-for-food program, reportedly were checked on entry to a mosque and were printed with a notice of severe penalties for those who attempt to pray at an unauthorized location.

Shi'a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in the past several years, particularly in the internationally renowned Shi'a academic center of Najaf. In 2000 AI reported that the regime deported systematically tens of thousands of Shi'a (both Arabs and Kurds) to Iran in the late 1970s and early 1980s, on the basis that they were of Persian descent. According to Shi'a sources, religious scholars and Shi'a merchants who supported the schools financially were the principal targets for deportation. After the 1991 popular uprising, the regime relaxed some restrictions on Shi'a attending the schools. However, the revival of the schools appeared to have exceeded greatly the regime's expectations and led to an intensified crackdown on the Shi'a religious establishment, including the requirement that speeches by imams in mosques be based upon regime-provided material that attacked fundamentalist trends.

The regime consistently politicized and interfered with religious pilgrimages, both of Muslims who wished to make the Hajj to Mecca and Medina and of both Iraqi and non-Iraqi Muslim pilgrims who traveled to holy sites within the country (*see* Section 2.d.). For example, in 1998 the U.N. Sanctions Committee offered to disburse vouchers for travel and expenses to pilgrims making the Hajj; however, the regime rejected this offer. In 1999 the Sanctions Committee offered to disburse

funds to cover Hajj-related expenses via a neutral third party; the regime again rejected the offer. Following the December 1999 passage of U.N. Security Council Resolution 1284, the Sanctions Committee again sought to devise a protocol to facilitate payment to individuals making the journey. The Sanctions Committee proposed to issue $250 in cash and $1,750 in traveler's checks to each individual pilgrim to be distributed at the U.N. office in Baghdad in the presence of both U.N. and Iraqi officials. The regime again declined and, consequently, no Iraqi pilgrims were able to take advantage of the available funds or, in 2000, of the permitted flights. The regime continued to insist that these funds would be accepted only if they were paid in cash to the regime-controlled central bank, not to the Hajj pilgrims.

Twice each year—on the 10th day of the Muslim month of Muharram and 40 days later in the month of Safar—Shi'a pilgrims from throughout the country and around the world travel to the Iraqi city of Karbala to commemorate the death there centuries ago of the Imam Hussein. The regime for several decades interfered with these Ashura commemorations by preventing processions on foot into the city. In 1998 and 1999, violent incidents were reported between pilgrims on one side and Ba'th Party members and security forces enforcing the ban on the other. In 2000 security forces opened fire on persons who attempted to walk from Al-Najaf to Karbala (*see* Section 1.g.). During the year, there were no reports of violence during the pilgrimage; however, the regime reportedly imposed travel restrictions.

The regime also sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups.

The Special Rapporteur and others reported that the regime engaged in various abuses against the country's estimated 350,000 Assyrian and Chaldean Christians, especially in terms of forced movements from northern areas and repression of political rights (*see* Section 2.d.). Most Assyrians lived in the northern provinces, and the regime often accused them of collaborating with Iraqi Kurds. Military forces destroyed numerous Assyrian churches during the 1988 Anfal campaign and reportedly tortured and executed many Assyrians.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in the past few years. Kurdish groups often referred to Assyrians as Kurdish Christians. Christians reported several ritual killings of Christian clergy by unknown assailants, which they claimed were perpetrated by Muslim extremists. Press and Christian opposition groups reported that an Assyrian nun was killed in an apparent emulation of Muslim ritual slaughter in July (*see* Section 1.a.). These reports continued an alleged pattern of violence and persecution directed against Christian and other religious minorities throughout the country.

The regime imposed repressive measures on Yazidis (*see* Section 5).

Although few Jews remained in the country, regime officials frequently made anti-Semitic statements.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The regime restricted movement within the country of citizens and foreigners. Police checkpoints were common on major roads and highways. Persons who entered sensitive border areas and numerous designated security zones were subject to arrest.

The regime required citizens to obtain specific regime authorization and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before traveling abroad, citizens were required to post collateral, which was refundable upon their return. There were restrictions on the amount of currency that may be taken out of the country. Women were not permitted to travel outside the country alone; male relatives must escort them (*see* Section 5). Prior to December 1999, every student who wished to travel abroad was required to provide a guarantor who would be liable if the student failed to return. In December 1999, authorities banned all travel for students (including those in grade school), canceled spring and summer holidays, and enrolled students in compulsory military training and weapons-use courses.

In an apparent effort to convince citizens living abroad to return to the country, the regime radio announced in June 1999 an amnesty for teachers who left the country illegally after the Gulf War. Shortly thereafter the Revolutionary Command Council decreed a general amnesty for all citizens who either had left the country illegally or who had failed to return after the period of exile had expired (*see* Section 1.d.). In October 1999, Justice Minster Shabib al-Maliki announced that authorities might seize assets belonging to citizens living outside the country who did not return in response to the amnesty decree. A special ministerial committee was formed to track and monitor citizens inside the country who received money from relatives living abroad.

A November 1999 law provides for additional penalties for citizens who attempt to leave the country illegally. Under the law, a prison term of up to 10 years and

"confiscation of movable and immovable property" is to be imposed on anyone who attempts to leave illegally. Similar penalties face anyone found to encourage or assist persons banned from travel, including health care professionals, engineers, and university professors. In 2000 the director of the Real Estate Registration Department stated that pursuant to the decree, the regime confiscated the property of a number of persons.

The regime restricted foreign travel by journalists, authors, university professors, doctors, scientists, and all employees of the Ministry of Information. Security authorities interrogated all media employees, journalists, and writers upon their return from foreign travel.

The regime consistently politicized and interfered with religious pilgrimages, both of Muslim citizens who wished to make the Hajj to Mecca and Medina and of citizen and noncitizen Muslim pilgrims to holy sites in the country (*see* Section 2.c.).

Foreign spouses of citizens who have resided in the country for 5 years (1 year for spouses of government employees) were required to apply for naturalization as citizens. Many foreigners thus become subject to travel restrictions. The penalties for noncompliance included, but were not limited to, loss of the spouse's job, a substantial financial penalty, and repayment of any governmental educational expenses. The regime prevented many citizens who also held citizenship in another country, especially the children of Iraqi fathers and foreign-born mothers, from visiting the country of their other nationality.

The U.N. Secretary General estimated that there were more than 500,000 IDPs remaining in the 3 northern provinces (Erbil, Dohuk, and Sulaymaniah), most of whom fled regime-controlled areas in early 1991 during the uprising that followed the Gulf War. Yazidi Kurds reported in November that they were subjected to forced concentration in the vicinity of Dohuk over the last few years. The regime continued its Arabization policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkmen, and Assyrians living in Kirkuk, Khanaqin, Sinjar, Makhmour, Tuz, Khoramatu, and other districts. Most observers viewed the policy as an attempt to decrease the proportion of non-Arab citizens in the oil-rich Kirkuk region, and thereby secure Arab demographic control of the area.

Non-Arab citizens were forced either to change their ethnicity on their identity documents and adopt Arabic names or be expelled to the Kurd-controlled northern provinces. Persons may avoid expulsion if they relinquish their Kurdish, Turkmen, Chaldean, or Assyrian identity and register as Arabs. Persons who refused to relinquish their identity may have their assets expropriated and their ration cards withdrawn prior to being deported.

The Revolutionary Command Council mandated that new housing and employment be created for Arab residents who had been resettled in Kirkuk, while new construction or renovation of Kurd-owned property reportedly was prohibited. Non-Arabs may not sell their homes, except to Arabs, nor register or inherit property. Authorities estimated that since 1991, more than 100,000 persons were displaced as part of the Arabization program.

According to numerous deportees in the north, the regime generally used a systematic procedure to evict and deport non-Arab citizens. Frequently, a security force official demanded that a family change its ethnicity from Kurdish or Turkmen to Arab. Subsequently, security officials frequently arrested the head of household and informed the other family members that the person would be imprisoned until they agreed to settle elsewhere in the country. Such families frequently chose to move to the north; family members must sign a form that states that the departure was voluntary and they were not allowed to take any property or their food ration cards issued under the U.N. oil-for-food program. The regime frequently transferred the families' houses to Arab Ba'th Party members.

Those expelled were not permitted to return. The Special Rapporteur reported in 1999 that citizens who provided employment, food, or shelter to returning or newly arriving Kurds were subject to arrest. The regime denied that it expelled non-Arab families.

According to the U.N. High Commissioner for Refugees (UNHCR), hundreds of thousands of Iraqi refugees remained abroad. Apart from those suspected of sympathizing with Iran, most fled after the regime's suppression of the civil uprising of 1991; others were Kurds who fled during the Anfal campaign of 1988. Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, repatriated themselves in northern areas outside regime control.

The regime did not cooperate with the UNHCR, did not provide first asylum, and did not respect the rights of refugees.

Approximately 12,000 Turkish Kurds who fled civil strife in southeastern Turkey remained in northern areas controlled by the regime in Baghdad. The UNHCR was

treating such displaced persons as refugees until it reached an official determination of their status.

During the year, the KDP and PUK reiterated their September 1998 agreement to begin returning to their rightful homes the many thousands of persons each side had expelled as a result of intra-Kurdish fighting in the three northern provinces. In June the first 70 families were returned. In April 2000, the UNHCR noted that displaced persons still were living in tents or in open, unheated buildings (*see* Section 1.g.).

In August 1999, the KDP reportedly imposed a blockade on eight Assyrian villages near Aqra. Some sources indicated that KDP forces reportedly reentered one of the villages a couple of days later, rounded up the villagers, and publicly beat two of them. The KDP denied that the blockade or village raids occurred.

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

Citizens did not have the right to change their government. The President wielded power over all instruments of control. Most important officials either were members of Saddam Hussein's family or were family allies from his hometown of Tikrit. Although the regime took steps to look more like a democracy, the political process still was controlled firmly by the regime. The October so-called referendum on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It did not include voter privacy, and many credible reports indicated that voters feared reprisal if they cast a dissenting vote. The regime claimed a 100 percent yes vote out of 16 million votes cast. In a similar "referendum" in 1995, a total of 500 persons reportedly were arrested in Karbala, Baghdad, and Ramadi provinces for casting negative ballots, and a member of the intelligence services reportedly was executed for refusing to vote for the President.

There are strict qualifications for parliamentary candidates; by law the candidates for the National Assembly must be over 25 years old and "believe in God, the principles of the July 17–30 revolution, and socialism." Elections for the National Assembly were held in March 2000; 220 of the 250 parliamentary seats were contested and presidential appointees filled the 30 remaining seats. Out of the 250 seats, members of the Ba'th Party reportedly won 165 seats, independents won 55, and 30 were appointed by Saddam Hussein to represent the northern provinces. According to the Special Rapporteur, the Ba'th Party allegedly instructed a number of its members to run as nominally independent candidates. Saddam Hussein's son Uday was elected to the National Assembly with 99.9 percent of the vote.

Full political participation at the national level is restricted to members of the Arab Ba'th Socialist Party, who were estimated to constitute approximately 8 percent of the population. The political system is dominated by the Party, which governed through the Revolutionary Command Council. President Saddam Hussein heads the council. The RCC exercises both executive and legislative authority. The RCC dominates the National Assembly, which is completely subordinate to it and the executive branch.

Opposition political organizations were illegal and severely suppressed. Membership in certain political parties was punishable by death. In October 2000, security forces reportedly executed eight persons on charges of forming an opposition organization (*see* Sections 1.a. and 2.b.). In 1991 the RCC adopted a law that theoretically authorized the creation of political parties other than the Ba'th Party. However, in practice the law was used to prohibit parties that did not support the President and the regime. In 1999 various media published articles claiming that Saddam Hussein instructed officials in October 1999 to consider the formation of new political parties, a state council, and a new Constitution. However, a Ministry of Culture and Information magazine later reported that the only two groups that attempted to form a party were refused for having an insufficient number of members.

The regime did not recognize the various political groupings and parties that have been formed by Shi'a, Kurds, Assyrians, Turkmen, or other communities. These political groups continued to attract support despite their illegal status.

The law provides for the election of women and minorities to the National Assembly; however, they had only token representation.

In the north, all central regime functions have been performed by local administrators, mainly Kurds, since the regime withdrew its military forces and civilian administrative personnel from the area after the 1991 uprising. A regional parliament and local regime administrators were elected in 1992. The parliament last met in May 1995. The two major Kurdish parties in de facto control of the north, the KDP and the PUK, battled one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The cease-fire has held; however, reunification measures have been greatly

delayed. The PUK and KDP convened the united Assembly in October for the first time. The PUK held municipal elections in February 2000 and the KDP held municipal elections in May, the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

The KDP reportedly required membership lists from ethnic minority political parties. The regime also imposed additional restrictions on some political parties (*see* Section 2.b.).

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

The regime did not permit the establishment of independent human rights organizations. Citizens established several human rights groups abroad and in northern areas not under regime control. Monitors from most foreign and international human rights groups were not allowed in the country. However, the regime allowed several international humanitarian and aid organizations to operate in the country.

During the year for the first time since 1992, the regime allowed the U.N. Special Rapporteur to pay a 4-day, strictly controlled visit to the country, but the regime responded only partially or not at all to his requests for information.

In November the U.N. Commission on Human Rights and the U.N. General Assembly issued a report that noted "with dismay" the lack of improvement in the situation of human rights in the country. The report strongly condemned the "systematic, widespread, and extremely grave violations of human rights" and of international humanitarian law by the regime, which it stated resulted in "all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror." The report called on the Government to fulfill its obligations under international human rights treaties.

The regime operated an official human rights group that routinely denied allegations of abuses.

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

The Constitution and the legal system provide for some rights for women, children, and minorities; however, in practice the regime systematically violated these rights.

Women.—Domestic violence against women occurred but little was known about its extent. Such abuse customarily was addressed within the tightly knit family structure. There was no public discussion of the subject, and no statistics were published. Spousal violence constitutes grounds for divorce and may be prosecuted; however, suits brought on such charges reportedly were rare. Under a 1990 law, men who committed honor crimes may receive immunity from prosecution (*see* Section 1.e.).

The law prohibits rape; however, security forces raped family members of persons in the opposition as a punishment (*see* Section 1.c). No information was available regarding the frequency or severity of rape in society.

Prostitution is illegal. The regime denied claims that it has beheaded women accused of prostitution (*see* Section 1.a.).

The regime stated that it was committed to equality for women, who make up approximately 20 percent of the work force. It enacted laws to protect women from exploitation in the workplace and from sexual harassment; to permit women to join the regular army, Popular Army, and police forces; and to equalize women's rights in divorce, land ownership, taxation, and suffrage. It was difficult to determine the extent to which these protections were afforded in practice. Women were not allowed to travel outside the country alone (*see* Section 2.d.).

In April 2000, the PUK declared that immunity would not be given for honor crimes in the area under its control. Several active women's organizations operated in the Kurd-controlled regions in the north. In September 2001, the KDP began admitting women into the police academy in preparation for their integration into the police force.

Children.—No information was available regarding whether the regime has enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups collected a substantial body of evidence indicating the regime's continued disregard for the rights and welfare of children. Education for boys is compulsory through the sixth grade. Children may continue in public schools through grade 12, but children often left after grade 6 to help in family enterprises. The regime claimed that it also has enacted laws to make education for girls compulsory.

The regime's failure to comply with relevant U.N. Security Council resolutions has led to a continuation of economic sanctions. There were widespread reports that food

and medicine that could have been made available to the general public, including children, were stockpiled in warehouses or diverted for the personal use of some regime officials. The executive director of the U.N. office in charge of the oil-for-food program confirmed the insufficient placement of orders in a January 2000 letter to the regime, in which he expressed concern about the low rate of submission of applications in the health, education, water, sanitation, and petroleum sectors. He also stated that of the $570 million worth of medicines and medical supplies that had arrived in the country through the oil-for-food program in 1998 and 1999, only 48 percent had been distributed to clinics, hospitals, and pharmacies.

The regime's management of the oil-for-food program did not take into account the special requirements of children between the ages of 1 and 5, despite the U.N. Secretary General's specific injunction that the regime modify its implementation procedures to address the needs of this vulnerable group. In 1999 UNICEF issued the results of the first surveys of child and maternal mortality in the country that have been conducted since 1991. The surveys were conducted between February and May 1999, in cooperation with the regime in the southern and central regions, and in cooperation with the local Kurdish authorities in the north. The surveys revealed that in the south and central parts of the country, home to 85 percent of the population, children under 5 years old were dying at more than twice the rate that they were a decade before. In contrast mortality rates for children less than 5 years old in the Kurdish-controlled north dropped in the period between 1994 and 1999. The Special Rapporteur criticized the regime for "letting innocent people suffer while it maneuvered to get sanctions lifted." Had the regime not waited 5 years to adopt the oil-for-food program in 1996, he stated in October 1999, "millions of innocent people would have avoided serious and prolonged suffering."

During the year, the regime held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters, and infantry tactics for children between 10 and 15 years of age. Camps for these "Saddam Cubs" operated throughout the country. Senior military officers who supervised the course noted that the children held up under the "physical and psychological strain" of training that lasted for as long as 14 hours each day. Sources in the opposition reported that the army found it difficult to recruit enough children to fill all of the vacancies in the program. Families reportedly were threatened with the loss of their food ration cards if they refused to enroll their children in the course. The Supreme Council for the Islamic Revolution in Iraq reported in October 1999 that authorities were denying food ration cards to families that failed to send their young sons to Saddam Cubs compulsory weapons-training camps (*see* Section 1.f.). Similarly, authorities reportedly withheld school examination results to students unless they registered in the Fedayeen Saddam organization (*see* Section 1.f.).

Regime officials allegedly took children from minority groups in order to intimidate their families to leave cities and regions in which the regime wishes to create a Sunni Arab majority (*see* Sections 1.d., 1.f., and 2.d.).

Persons with Disabilities.—No information was available regarding the regime's policy towards persons with disabilities.

National/Racial/Ethnic Minorities.—The country's cultural and linguistic diversity was not reflected in its political and economic structure. Non-Arabs were denied equal access to employment, education, and physical security. Non-Arabs were not permitted to sell their homes except to Arabs, nor to register or inherit property. As part of its Arabization policy, the regime continued to relocate forcibly the non-Arab population, including Kurds, Turkmen, and Assyrians living in Kirkuk, Sinjar, and other districts (*see* Sections 1.f. and 2.d.). Similarly, the regime forced many Arabs to relocate to regions forcibly vacated by other groups. Both major Kurdish political parties indicated that the regime occasionally targeted Assyrians, as well as ethnic Kurds and Turkmen, in expulsions from Kirkuk in order to attempt to "Arabize" the city (*see* Section 2.d.).

Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back more than 2,000 years. Although these groups do not define themselves as Arabs, the regime, without any historical basis, defines Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime (*see* Section 2.c.).

The regime did not permit education in languages other than Arabic and Kurdish. Thus, in areas under regime control, Assyrian and Chaldean children were not permitted to attend classes in Syriac.

The Constitution does not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both

religiously and ethnically distinct from Muslim Kurds. However, the regime, without any historical basis, defined the Yazidis as Arabs. There is evidence that the regime compelled this reidentification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured regime documents included in a 1998 HRW report described special all-Yazidi military detachments formed during the 1988–89 Anfal campaign to "pursue and attack" Muslim Kurds. The regime imposed the same repressive measures on Yazidis as on other groups (*see* Section 2.c.).

Citizens considered by the regime to be of Iranian origin must carry special identification and often were precluded from desirable employment. Over the years, the regime deported hundreds of thousands of citizens of Iranian origin.

Ethnic minorities faced some discrimination and harassment by Kurds in the north. In areas of the north under Kurdish control, classes in Syriac and Turkish were permitted in primary schools run by Assyrian or Turkmen parties, since the 1991 uprising against the regime. However, teaching of Syriac reportedly remained restricted. The Kurdish administrations also required that all school children begin learning Arabic in primary school.

Assyrians continued to fear attacks by the PKK, a Turkish-based terrorist organization that operated against indigenous Kurds in northern areas. In 2000 Assyrians reported being caught in the middle of intra-Kurdish fighting. Some Assyrian villagers reported in 2000 being pressured to leave the countryside for the cities as part of a campaign by indigenous Kurdish forces to deny the PKK access to possible food supplies. There were no reports during the year of the Kurdistan Regional government's investigation into a series of bombings in 1998 and 1999 that many Assyrian groups believed were part of a terror campaign designed to intimidate them into leaving the north.

Ethnic Turkmen also claimed discrimination by Kurdish groups, including the required use of the Kurdistan flag in Turkmen schools and the assignment of Kurdish teachers to Turkmen schools.

Section 6. Worker Rights

a. The Right of Association.—There were no trade unions independent of regime control, and workers rights were highly restricted. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU), a regime-controlled trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba'th Party, which used it to promote party principles and policies among union members.

Workers in private and mixed enterprises, but not public employees or workers in state enterprises, had the right to join local union committees. The committees were affiliated with individual trade unions, which in turn belonged to the IGFTU.

In 1999 Uday Hussein reportedly dismissed hundreds of members of the Iraqi Union of Journalists for not praising Saddam Hussein and the regime sufficiently (*see* Section 2.a.). Also in 1999, Uday Hussein reportedly jailed at least four leaders of the Iraqi National Students Union for failing to carry out his orders to take action against students known for their criticism of the situation in the country. No significant developments have occurred in these cases.

The IGFTU is affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

In the Kurd-controlled northern region, the law allows persons to form and join trade unions and other organizations, and to use such organizations for political action. Dozens of trade groups have been formed since 1991.

b. The Right to Organize and Bargain Collectively.—The right to bargain collectively is not recognized. The regime sets salaries for public sector workers, the majority of employed persons. Wages in the much smaller private sector were set by employers or negotiated individually with workers. Public sector workers frequently were shifted from one job and work location to another to prevent them from forming close associations with other workers. The Labor Code does not protect workers from antiunion discrimination, an omission that has been criticized repeatedly by the Committee of Experts of the International Labor Organization (ILO).

The Labor Law restricts the right to strike. According to the International Confederation of Free Trade Unions, such restrictions on the right to strike include penal sanctions, such as imprisonment or detention in labor camps. No strike has been reported during the past 2 decades.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—Forced labor is prohibited by law; however, the Penal Code mandates prison sentences, including compulsory labor, for civil servants and employees of state enterprises for breaches of labor "discipline," including resigning from a job. According to the ILO, foreign workers in the country

have been prevented from terminating their employment and returning to their native countries because of regime-imposed penal sanctions on persons who do so. There was no information available regarding forced and bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The employment of children under the age of 14 is prohibited, except in small-scale family enterprises. However, children reportedly were encouraged increasingly to work in order to help support their families because of the country's harsh economic conditions. The law stipulates that employees between the ages of 14 and 18 work fewer hours per week than adults. Each year the regime enrolls children as young as 10 years of age in a paramilitary training program (*see* Section 5).

e. Acceptable Conditions of Work.—There was no information available regarding minimum wages.

Most workers in urban areas worked a 6-day, 48-hour workweek. The head of each ministry sets hours for regime employees. Working hours for agricultural workers varied according to individual employer-employee agreements.

Occupational safety programs were in effect in state-run enterprises. Inspectors ostensibly inspected private establishments, but enforcement varied widely. There was no information regarding workers' ability to remove themselves from work situations that endanger their health or safety.

f. Trafficking in Persons.—There was no information available regarding whether the law prohibits trafficking in persons. There were reports of persons trafficked within the country.

ISRAEL AND THE OCCUPIED TERRITORIES

Israel is a parliamentary democracy with a multiparty system and free elections. There is no constitution; a series of "basic laws" provide for fundamental rights. The legislature, or Knesset, has the power to dissolve the Government and limit the authority of the executive branch. In February 2001, Likud Party leader Ariel Sharon was elected Prime Minister and in March 2001 took office as the head of a broad "unity" government that included the Labor Party, the largest bloc in the Knesset. On November 5, after Labor withdrew from the Government, Prime Minister Sharon announced he was unable to form a coalition and asked the President to dissolve the Knesset and call for new elections. New elections for the Knesset are scheduled for January 28, 2003. The judiciary is independent.

Since its founding in 1948, Israel has been in a state of war with most of its Arab neighbors. Throughout its existence, Israel also has experienced numerous terrorist attacks by a number of terrorist organizations that had as their stated objective the elimination of the Israeli State. With the onset of the "Al-Aqsa Intifada" in September 2000, there was a dramatic escalation in the level of violence directed against Israelis. Since 2000 the number of terrorist incidents, and Israeli casualties due to such attacks, rose sharply.

Israel concluded peace treaties with Egypt in 1979 and with Jordan in 1994, and a series of agreements with the Palestinians beginning in 1993. As a result of the 1967 war, Israel occupied the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights (the human rights situation in the occupied territories is discussed in the annex appended to this report). The international community does not recognize Israel's sovereignty over any part of the occupied territories.

Since 1991, the Israelis and the Palestinians made repeated attempts at negotiating peace. The most recent Tenet Agreement and the Mitchell Plan established a working framework for both parties to reduce the violence and negotiate peace. During 2000 and early 2001, the parties held intensive talks concerning final status issues, including water rights, refugees, settlers, the status of Jerusalem, and border and security issues. They did not reach an agreement. Despite meetings between high-level Israel and Palestinian officials, and repeated declarations of cease-fires on both sides, efforts to end the violence yielded few results. However, during the year the United States, the Russian Federation, the European Union, and the United Nations, (or the Quartet), conducted a series of ministerial-level meetings to develop a roadmap to reach their vision of two democratic states—Israel and Palestine—living side by side in peace and security.

Internal security was the responsibility of the Israel Security Agency (the ISA—formerly the General Security Service (GSS) and also known as Shin Bet, or Shabak), which was under the authority of the Prime Minister's office. The police were under the authority of the Minister of Internal Security. The Israel Defense Forces (IDF) were under the authority of a civilian Minister of Defense. The IDF included a significant portion of the adult population on active duty or reserve sta-

tus and played a role in maintaining security. The Foreign Affairs and Defense Committee in the Knesset reviewed the activities of the IDF and the ISA. Members of the security forces committed serious human rights abuses in the occupied territories and regarding Palestinian detainees.

The country's population was approximately 6.4 million (including Israeli settlers who lived in the occupied territories). The country had an advanced industrial economy with a relatively high standard of living. During the year, unemployment was approximately 10 percent, but was substantially higher in the country's peripheral regions and among lower-skilled workers. These facts disproportionately affected the country's non-Jewish citizens. The country's economic growth was accompanied by an increase in income inequality. The longstanding gap in levels of income within the Jewish population and between Jewish and Arab citizens increased. Arab citizens populated most of the 17 towns in Israel with the highest unemployment rates. During the year, the country relied heavily on foreign workers, principally from Asia and Eastern Europe, who were employed in agriculture and construction and constituted approximately 10 percent of the labor force.

The Government generally respected the human rights of its citizens; however, there continued to be problems with respect to its treatment of Arab citizens. During the year, terrorist organizations such as the Islamic Resistance Movement (Hamas), Hizballah, Islamic Jihad in Palestine, and the Popular Front for the Liberation of Palestine (PLFP), among others, committed acts of terrorism in Israel. Nearly 226 terror attacks, including suicide bombings, drive-by shootings, mortar and grenade attacks, and stabbings occurred in the West Bank, Gaza, and Israel proper. Also during the year, more than 469 Israelis were killed and over 2,498 injured, a sharp increase from the previous year. In November 2000, a Legal Commission of Inquiry was established to investigate the demonstrations and riots of October 2000, during which police used excessive force and killed 13 Arab citizens. The Commission completed its investigation but had not released a report of its findings at year's end.

Israeli and international human rights organizations continued to report an increase in the number of allegations that security forces tortured detainees, including using abusive methods prohibited in a September 1999 High Court decision. There also were numerous allegations that police officers beat detainees. Detention and prison conditions for Palestinian security detainees held in Israel were poor and did not meet international standards regarding the provision of sufficient living space, food, and access to medical care. During the year, the Government detained without charge thousands of persons in Israel, the West Bank, and Gaza. Some security prisoners were sentenced on the basis of coerced confessions by both themselves and others. According to human rights organizations, the legal system often imposed more severe punishments on Arab citizens than on Jewish citizens, although such discrepancies were not provided by law.

The Government interfered with individual privacy in some instances. The Government imposed severe restrictions on the movement of persons and some restrictions on the movement of goods between Israel and the West Bank and Gaza as well as between cities in the West Bank and Gaza. Also known as "closure," this practice has been in effect to varying extents since 1993 (*see* Section 2.d. of the annex). The Government claimed that the closures were necessary to prevent terrorism. Discrimination and societal violence against women persisted, although the Government continued to take steps to address these problems. Discrimination against persons with disabilities persisted. The Government did little to reduce institutional, legal, and societal discrimination against the country's Arab citizens, who constituted approximately 20 percent of the population but did not share fully the rights and benefits provided to, and obligations imposed on, the country's Jewish citizens. Trafficking in women for the purpose of forced prostitution was a continuing problem. Israel was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings during the year.

In October 2000, police used excessive force to disperse demonstrations in the north of the country, killing 13 Arab citizens and injuring 300. In response the Government of Ehud Barak established a Legal Commission of Inquiry, chaired by Justice Theodore Or, to investigate the cause of the riots and the police response. In 2001 numerous police officers testified that the police, including snipers, fired live

ammunition into crowds of demonstrators. Doctors testified that rubber-coated steel bullets being fired from close range apparently caused several of the 13 deaths. Some police described a few of their colleagues as having engaged in overly aggressive actions. Testimony during the year corroborated previous testimony and also explored alleged inflammatory rhetoric by Israeli Arab politicians during the demonstrations.

In February the Commission warned 14 individuals that it planned to investigate responsibility for the violence and deaths. Among the 14 warned individuals were former Prime Minister Ehud Barak, former Minister of Internal Security Shlomo Ben Ami, former Northern Police Commander Alik Ron, several other police officials, Knesset members Abdulmalik Dehamshe and Azmi Bisharah, and former Mayor of Um al-Fahm Sheikh Ra'ed Salah. All 14 individuals had a right to legal counsel and to call and cross-examine witnesses. In his testimony to the Commission, Ben Ami denied ever having seen a document prepared by his ministry's legal department in 2000 outlining ways he should cover himself if he were investigated over the actions of that month. Ben Ami did not deny that Arab leaders, including members of the Knesset, had warned him prior to the 2000 event of increasing violence and racism in the police force and of incidents of brutality against Arab citizens. In September Barak testified that he had never ordered the police "to use every means necessary to keep roads open" during demonstrations. He said that statements he had made during a radio interview on October 2, 2000, that seemed to support claims that he had ordered the police to take "any action necessary to bring about the rule of law and freedom of movement within the State" were "not relevant," since he had made those statements to calm public concerns. The Commission had not issued its findings by year's end.

During the year, there were no violent demonstrations on the scale of those that occurred in 2000.

There was a sharp increase in the number of suicide bombings, shootings, and other acts of terrorism by Palestinian groups or individuals in the country and the occupied territories, which resulted in the deaths of at least 469 Israelis (also see Sections 1.a. and 1.c. of the annex).

On January 17, a terrorist with an assault rifle opened fire on a Bat Mitzvah celebration in Hadera killing 6 persons and injuring 35. On March 27, a suicide bombing killed 29 persons and injured 140 during a Passover Seder at the Park Hotel in Netanya. On April 12,a suicide bombing killed 6 persons, including 2 foreign workers from China, and injured 104 near Jerusalem's Mehane Yehuda Market.

On May 15 and 31, suicide bombings killed 30 persons and injured 95 in attacks in Rishon Lezion and Haifa. On June 5, a car packed with explosives struck a bus traveling from Tel Aviv to Tiberias, killing 17 persons and injuring 38. On July 31, a bomb exploded at Hebrew University in Jerusalem and killed 9 persons, 4 citizens and 5 Americans. On August 4, a suicide bombing of a bus traveling from Haifa to Safed killed 9 persons and injured 50.

On September 19, a bomb on a bus in Tel Aviv killed 6 persons and injured 70. On October 21, a car packed with explosives crashed into a bus traveling from Kiryat Shmonah to Tel Aviv and killed 14 persons and injured 50.

Attacks by Hizballah in the Sheba Farms/Har Dov area in the northern part of the country resulted in the death of one soldier. On March 12, infiltrators from Lebanon killed five civilians, one soldier, and wounded seven others. It was believed that the attackers acted with the assistance of Hizballah.

b. Disappearance.—At year's end, Elhannan Tannenbaum, who was kidnaped in either Europe or Lebanon in 2000, was believed to still be in Hizballah custody. The International Committee of the Red Cross (ICRC) attempted to pass medication and messages to Tannenbaum but was unable to ascertain whether he received the packages. Tannenbaum's family believed he may be seriously ill.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Laws and administrative regulations prohibit the physical abuse of detainees. During the year there were credible reports that there was an increase in the number of allegations that security forces tortured detainees, including using methods prohibited by a 1999 High Court decision. The Attorney General has the authority to accept a "necessity defense" in deciding whether or not to prosecute. There also were numerous allegations that police officers beat detainees. Although it was not clear if any formal complaints of torture were filed, human rights groups maintained that no GSS agent has been criminally charged with torture or other ill treatment for the past several years. Human rights groups further complained that the investigators who did field work for the Attorney General's office on such claims were GSS agents.

The 1997 Arrest and Detention Law provides for the right to live in conditions that would not harm the health or dignity of the detainee, access to adequate health care, the right to a bed for each detainee, and access to exercise and fresh air daily. Conditions varied in incarceration facilities in the country and the occupied territories, which were administered by the Israeli Prison Service (IPS), the IDF, or the national police. IPS prisons, which generally housed citizens convicted of common crimes, generally met international standards.

Since the 1995 closure of the main IDF detention camps in the occupied territories, all security detainees from the occupied territories who were held for more than a few days were transferred to facilities within Israel. During the year, security detainees usually were held in the IDF's Megiddo prison, in IPS facilities, and in special sections of police detention facilities. Prisoners incarcerated for security reasons were subject to a different regimen, even in IPS facilities, and conditions for them were poor. According to the Government, security detainees may receive financial assistance from the Palestinian Authority (PA); food, including food required for observing religious holidays from their families and other persons or organizations; and medical supplies from the ICRC and other aid organizations. Security detainees include some minors. Detention facilities administered by the IDF were limited to male Palestinian detainees. The total number of Palestinian prisoners held by Israel, which was 1,854 at the beginning of the year, reached 4,672 by year's end. The Government stated that it held 1,007 persons from Gaza and the West Bank, and no Israeli Arabs in administrative detention (without charge or trial) at year's end. The Government detained approximately 10,000 prisoners at some point during the year (*see* Section 1.d.).

Conditions at the Russian Compound remained extremely poor; however, conditions in other IDF facilities improved in some respects. For example, inmates were provided more time to exercise outside their cells. Nevertheless, recreational facilities remained minimal, and there were strict limitations on family visits to detainees.

Male family members of Palestinian prisoners who were between 16 and 40 years of age and any family members with security records generally were barred from visiting relatives in facilities in Israel. Following the outbreak of violence in 2000, the Government banned all family visits for Palestinian prisoners in jails. However, during the year, the Government intermittently allowed the ICRC to arrange for family members to visit Palestinian prisoners in government facilities (*see* Section 1.c. of the annex).

Since the Intifada began, only Israeli lawyers or Palestinian lawyers with Jerusalem identification cards were permitted to visit Palestinian prisoners in jails as advocates or monitors, which reduced significantly the availability and timeliness of legal aid for such prisoners.

Conditions at some national police detention facilities remained poor. Such facilities were intended to hold criminal detainees prior to trial but often became de facto prisons. Those held included some security detainees and some persons who were convicted and sentenced. Inmates in the national police detention facilities often were not accorded the same rights as prisoners in the IPS system. Moreover, conditions were worse in the separate facilities for security detainees maintained both in police facilities and in IPS prisons. There were no programs to improve prison conditions by year's end.

Children's rights groups expressed particular concern over the separate sections of holding facilities for the detention of children. Overcrowding, poor physical conditions, lack of social workers, and denial of visits by parents remained problems. In addition to some Israeli minors held in criminal cases, there were Palestinian juveniles among the detainees. There were separate prison facilities for Arab and Jewish children separate from the adult prison population. Men, women, and children were held in separate facilities.

All incarceration facilities were monitored regularly by various institutions including branches of the Government, members of the Knesset, the ICRC, and human rights groups (*see* Section 1.d. of the annex).

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest; however, the Government did not always observe this prohibition. Defendants are considered innocent until proven guilty and have the right to writs of habeas corpus and other procedural safeguards. However, a 1979 law permits, subject to judicial review, administrative, or preventive detention (i.e., without charge or trial), which was used in a small percentage of security cases. In such cases, the Minister of Defense may issue a detention order for a maximum of 1 year, which could be extended every 3 months. Within 24 hours of issuance, detainees must appear before a district judge who could confirm, shorten, or overturn the order. If the order was confirmed, an automatic review took place after 3 months. Detainees had the right to

be represented by counsel and to appeal detention orders to the High Court of Justice; however, the security forces could delay notification of counsel with the consent of a judge, which was usually granted. According to human rights groups and legal experts, there were some cases in which a judge denied the Government's request to delay notification of counsel. At detention hearings, the security forces may withhold evidence from defense lawyers on security grounds. The Government also may seek to renew administrative detention orders. However, the security services must "show cause" for continued detention, and, in some instances, individuals were released because the standard could not be met. No information was available concerning an approximate percentage of those released because the standard for continued detention could not be met.

On March 4, the Knesset passed the Imprisonment of Illegal Combatants Law, which allows the IDF to detain anyone if there is a basis to assume that he or she "takes part in hostile activity against Israel, directly or indirectly" or "belongs to a force engaged in hostile activity against the State of Israel."

In felony cases and in ordinary security arrests, a district court judge could postpone notifying the detainee's attorney for 48 hours. The Minister of Defense could extend the postponement to 7 days on national security grounds. Moreover, a judge could postpone notification for up to 15 days in national security cases.

The 1997 Arrest and Detention Law more narrowly defined the grounds for pretrial detention in criminal and security cases and reduced to 24 hours the length of time a person may be held without charge; however, this law does not extend to administrative detention cases. Human rights groups alleged abuse of detention orders in cases in which the accused did not pose a clear danger to society.

Since the beginning of the Intifada, children's rights activists have recommended separate legislation to define when and how a child may be arrested and how long children may be detained. However, no action had been taken by year's end.

Some protections afforded to citizens were not extended to Palestinian detainees, who fell under the jurisdiction of military law even if they were detained in Israel. Following IDF redeployment in the West Bank, detention centers there were closed in 1995. As a result, all Palestinian detainees held for longer than 1 or 2 days were incarcerated in Israel (*see* Section 1.d. of the annex).

At year's end, the Government held approximately 6,700 Palestinians in custody, 3 times as many during the previous year. Those held were a combination of common criminal prisoners (approximately 1,500), administrative detainees (approximately 850), and ordinary security detainees (approximately 4200, nearly 5 times more than the previous year). In April 2000, a High Court ruling declared illegal the holding of Lebanese detainees in Israeli prisons as "bargaining chips" to extract concessions or the release of Israeli prisoners held in Lebanon. The Government has held, without explicit charges, both Sheikh Obeid, a Lebanese Hizballah leader, since 1989 and Mustafa Dirani, a head of security for the Amal militia, since 1994. The Government claimed both were security threats. In 2001 the Government did not comply with a High Court decision mandating that the ICRC have access to Obeid. However, in June ICRC was able to make its first visit to both Obeid and Durani. There was another visit in October. At year's end, Obeid, Durani, and 27 other Lebanese prisoners (20 on security grounds, 7 on criminal grounds) remained in custody.

The law prohibits forced exile of citizens, and the Government generally respected this prohibition in practice.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision. The judiciary generally provided citizens with a fair and efficient judicial process. However, in practice, according to some human rights organizations, Arab citizens often received stiffer punishments than Jewish citizens. The judicial system is composed of civil, military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial authority. The High Court of Justice is both a court of first instance (in cases involving government action) and an appellate court (when it sits as the Supreme Court). All courts in the judicial system, including the High Court of Justice, have appellate courts or jurisdictions.

The law provides for the right to a hearing with representation by counsel, and authorities generally observed this right in practice. A regional and national system of public defenders operated by the Ministry of Justice employed approximately 700 attorneys through 5 regional offices. Under the system, economically disadvantaged persons who faced sentences of 5 years or longer, and all persons who were accused of crimes with sentences of 10 years or longer, received mandatory legal representation. Judges also had discretionary power to appoint an attorney in all cases. Approximately 70 percent of defendants were represented by counsel. All nonsecurity

trials were public except those in which the interests of the parties were deemed best served by privacy.

Cases involving national security may be tried in either military or civil courts and may be partly or wholly closed to the public. The prosecution must justify closing the proceedings to the public in such cases, and the Attorney General determines the venue. Adult defendants had the right to be represented by counsel even in closed proceedings but may be denied access to some evidence on security grounds. Under the law, convictions may not be based on any evidence denied to the defense, although it may influence a judge's decision.

The 1970 regulations governing military trials were the same as evidentiary rules in criminal cases. Convictions may not be based solely on confessions, although in practice some security prisoners have been sentenced on the basis of the coerced confessions by both themselves and others. Counsel may assist the accused, and a judge may assign counsel to those defendants when the judge deems it necessary. Charges were made available to the defendant and the public in Hebrew, and the court could order that the charges be translated into Arabic if necessary. Sentencing in military courts was consistent with that in criminal courts. Defendants in military trials had the right to appeal through the Military High Court. Defendants in military trials also could petition the civilian High Court of Justice (sitting as a court of first instance) in cases in which they believed there were procedural or evidentiary irregularities.

According to human rights organizations, the legal system in practice often imposed stiffer punishments on Israeli Arab citizens than on Israeli Jewish citizens. For example, human rights advocates claimed that Arab citizens were more likely to be convicted of murder (which carries a mandatory life sentence) than Jewish citizens. The courts reportedly also were more likely to detain Arab citizens until the conclusion of proceedings. For example, in the first month after the October 2000 riots in Arab and Jewish locales, police arrested approximately 1,000 persons, including 660 Arabs and 340 Jews. Of the Arabs arrested, 79 percent reportedly were indicted, compared to 21 percent of the Jews; 72 percent of the Arabs were detained without bond, compared to 11 percent of the Jews. A number of Arabs accused of crimes such as stone-throwing during the year received sentences of more than 3 years. In contrast in October 2001, a Jewish man who was convicted of being part of a mob that severely beat a Palestinian man in Netanya in March was sentenced to 18 months in prison (*see* Section 1.c.). The Government has stated that allegations of systematic discrimination of non-Jews in the courts were unfounded.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law generally protected privacy of the individual and the home; however, there also were laws that provide that authorities may interfere with mail and monitor telephone conversations in certain circumstances. In criminal cases, the law permits wiretapping under court order; in security cases, the order must be issued by the Ministry of Defense. Under emergency regulations, authorities may open and destroy mail based on security considerations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of the press, and the Government generally respected this right in practice. The law authorizes the Government to censor any material reported from Israel or the occupied territories that it regarded as sensitive on national security grounds; however, authorities rarely applied the law in practice. However, during the year, the Ministry of Interior closed an Arab newspaper, Sawt al-Haqq Wal-Hurriya. The newspaper was affiliated with the northern branch of the Islamic movement in the country, and had previously published articles the Government believed supported terrorism in the country. A censorship agreement between the Government and media representatives applied to all media organizations in the country and provided that military censorship was to be applied only in cases involving national security issues that had a near certainty of harming the country's defense interests. All media organizations may appeal the censor's decision to the High Court of Justice. Moreover, a clause prohibits the military censor from closing a newspaper for censorship violations and from appealing a court judgement against it. News printed or broadcast abroad may be reported without the censor's review, which permits the media to run previously censored stories that have appeared in foreign sources. Emergency regulations made it illegal for persons to express support for illegal organizations. On occasion the Government prosecuted persons for speaking or writing on behalf of terrorist groups. In August 2001, the Attorney General announced that he would file an indictment against Knesset Member Azmi Bisharah for making statements perceived by some as supportive of Hizballah during Bisharah's June visit to Syria (a country

still in a state of war with Israel). In November 2001, the Knesset voted to lift Bisharah's immunity so that he could face prosecution. At year's end, the case was still in discovery.

One Palestinian-owned newspaper, Al-Quds, was required to submit its entire contents, including advertising, to the military censor by 4 p.m. each day. The editor claimed that this process caused his journalists to practice self-censorship. During the year, journalists and professional journalist groups claimed that the Government placed limitations on their freedom of movement within the occupied territories, between the West Bank and Gaza, and between the occupied territories and Israel during violent unrest. The Government and security forces have stated that they did not target journalists due to their profession; however, three journalists were killed and at least five were injured while covering events in the occupied territories during the year (*see* Section 2.a. of the annex).

The Government Press Office, due to security concerns, required foreign journalists to sign an agreement stating that they will submit certain news stories and photographs for censorship; however, they rarely were challenged for not doing so.

Individuals, groups, and the press freely addressed within the limits of the law public issues and criticized government policies and officials without reprisal. Laws prohibit hate speech and incitement to violence. The Government investigated a significantly higher number of Arab Members of the Knesset (MKs) than Jewish MKs for the use of hate speech and incitement to violence.

All newspapers were privately owned and managed. Newspaper licenses were valid only for Israel; separate licenses were required to distribute publications in areas in the occupied territories still under the Government's authority. There were 16 daily newspapers, 90 weekly local newspapers, and more than 250 periodical publications.

Directed by a government appointee, the quasi-independent Israel Broadcast Authority controlled television Channel 1 and Kol Israel (Voice of Israel) radio, both major sources of news and information. The privately operated Channel 2, the country's first commercial television station, was operated by 3 franchise companies and supervised by the Second Television and Radio Authority, a public body that also supervised 14 private radio stations. There were five cable television companies that carried both domestic and international networks and produced shows specifically for the Israeli audience.

The Government generally respected academic freedom; however, in December 2001 the human rights organization Adalah claimed that the Government interfered with the education of Israeli Arab students because a member of the GSS monitored and approved the appointment of teachers and administrators in Arab schools. Adalah claimed that the GSS discriminates against candidates for education positions based on political affiliations, although there have been no credible reports since the mid-1980s of the Government denying a teachers certificate on security grounds (*see* Section 5). However, a teaching certificate does not ensure job placement. For example, during the year, Minister of Education Limor Livnat supported an unsuccessful attempt to prosecute university professors who supported conscientious objectors to Israeli practices. In addition, there was an abortive attempt to dismiss a historian, Ilan Pappe, at Haifa University who criticized the prevailing interpretation of the 1948 conflict between Israelis and Palestinians. However, at year's end, he continued to teach there.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of assembly, and the Government generally respected this provision in practice.

During the year, there were a number of peaceful demonstrations for and against peace negotiations with the Palestinians.

The law provides for the right of association, and the Government generally respected this provision in practice. However, during the year, the Government continued to deny registration of a new Palestinian NGO in Israel, Tawasul. The organization works to establish connections between Arab citizens and other cultures around the world (*see* Section 4). The Government stated that it merely wanted the organization to change its name, due to its similarity to those of other registered NGOs.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right; however, it imposed some restrictions. Approximately 80 percent of citizens are Jewish, although some persons in that group are not considered Jewish under Orthodox Jewish law or are related by marriage to a Jewish citizen. Muslims, Christians, and Druze make up the remaining 20 percent of the population. The Government recognized 5 religions: Judaism, Islam, Christianity, Druzism, and Samaritanism. The status of some Christian organizations with representation in the country heretofore has been defined by a collection of ad hoc arrangements with various government agencies. Several of these organizations

sought to negotiate with the Government in an attempt to formalize their status. Each recognized religious community has legal authority over its members in matters of marriage and divorce. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Jewish and Druze families may ask for some family status matters, such as alimony and child custody in divorces, to be adjudicated in civil courts as an alternative to religious courts. Christians only may ask that child custody and child support be adjudicated in civil courts as an alternative to religious courts. Muslims have no recourse to civil courts in family-status matters.

Under the Law of Return, the Government grants automatic citizenship and residence rights to Jewish immigrants and their families; the Law of Return does not apply to non-Jews or to persons of Jewish descent who have converted to another faith (*see* Section 2.d.). Members of unrecognized religious groups (particularly evangelical Christians, but also Russian immigrants and others who considered themselves Jewish but were not recognized as such), at times faced problems obtaining marriage certificates or burial services. However, informal arrangements provided relief in some cases.

Many Israeli Jews who wish to marry in secular or non-Orthodox religious ceremonies do so abroad, and the Ministry of Interior recognizes such marriages. However, many Jewish citizens object to such exclusive control, and it has been at times a source of serious controversy in society, particularly in recent years, as thousands of immigrants from the former Soviet Union have not been recognized as Jewish by Orthodox authorities. For example, questions have been raised about according Russian immigrants full Jewish burial rights if their Jewish heritage was not certified by the Orthodox Rabbinate.

Under the Jewish religious courts' interpretation of personal status law, a Jewish woman may not receive a final writ of divorce without her husband's consent. Consequently, there were thousands of so-called "agunot" in the country who were unable to remarry or have legitimate children because their husbands either disappeared or refused to grant a divorce.

Some Islamic law courts have held that Muslim women may not request a divorce but that women may be forced to consent if a divorce is granted to a man.

The Government provided proportionally greater financial support to institutions in the Orthodox Jewish sector compared with those in the non-Orthodox or non-Jewish sector, i.e., Muslim, Christian, and Druze. For example, the budget for the Ministry of Religious Affairs for 2000 only allocated 2.9 percent of its resources to the non-Jewish sector, although Muslims, Christians, and Druze constituted approximately 20 percent of the population. In 1998 the High Court of Justice ruled that the Ministry of Religion budget allocation constituted "prima facie discrimination" but that the plaintiff's petition did not provide adequate information about the religious needs of the various communities. The Court refused to intervene in the budgetary process on the grounds that such action would invade the proper sphere of the legislature. However, in 2000 the Court ordered the Government to allocate resources equitably to cemeteries of the Jewish and Arab communities. The Government began implementing to some degree the decision during the year. For example, some non-Jewish cemeteries reported enhanced financing and some money to complete long-standing infrastructure and improvement projects.

For security reasons, the Government imposed restrictions on citizens who perform the Hajj, including requiring that they be over the age of 30 (*see* Section 2.d.). The Government justified these restrictions on the grounds that Saudi Arabia remained officially at war with Israel and that travel to Saudi Arabia therefore was considered subject to security considerations.

Missionaries were allowed to proselytize, although the Church of Jesus Christ of Latter-day Saints voluntarily refrained from doing so under an agreement with the Government. The law prohibits anyone from offering or receiving material benefits as an inducement to conversion; however, there have been no reports of the enforcement of this law.

The Government has recognized only Jewish holy places under the 1967 Protection of Holy Sites Law. However, the Government stated that it also protects the holy sites of other faiths. It also stated that is has provided funds for some holy sites of other faiths. Muslim groups claimed that the Government has been reluctant to renovate mosques in areas where there no longer was a Muslim population. In May the High Court sustained a demolition order for a mosque in the unrecognized village of Husseinya, which was built without a permit in 1996.

During the year, the Government continued to refuse recognition to the duly-elected Greek Orthodox Patriarch, Eirinaios I. Many local Greek Orthodox Christians perceived the Government's actions as interference with the internal workings of their church.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice for citizens, except with regard to military or security zones or in instances in which citizens may be confined by administrative order to their neighborhoods or villages. Since the outbreak of violence in 2000, the Government has imposed some restrictions on the movement of persons between Israel and the West Bank and Gaza, and between cities inside the West Bank and Gaza (*see* Section 2.d. of the annex).

Citizens generally were free to travel abroad and to emigrate, provided they had no outstanding military obligations and were not restricted by administrative order. During the year, the Government issued an order restricting the right of Sheik Raed Salah, leader of the oppositionist Northern Branch of Israel's Islamic Movement, to travel abroad. The Government claimed to have confidential security reasons for banning the foreign travel of Sheik Salah. For security reasons, the Government imposed some restrictions on its Muslim citizens who performed the Hajj (*see* Section 2.c.). The Government did not allow persons to return from the Hajj if they left the country without formal permission. The Government justified these restrictions on the grounds that Saudi Arabia remained officially at war with Israel and that travel to Saudi Arabia therefore was considered subject to security considerations.

The Government stated that non-Jewish female citizens who marry noncitizen men, including men from the occupied territories, could retain their citizenship. The law includes provisions that allow a male spouse of a non-Jewish citizen to acquire citizenship and enter the country after the spouse passes a 4 ½ year, multistage period of adaptation, except in cases in which the man has a criminal record or is suspected of posing a threat to security. A small number of Christian, Muslim, and Druze women who have married men from Arab states or the West Bank and Gaza have made unsubstantiated claims that the Government revoked their citizenship and their right to reenter Israel; particularly after marrying men who are citizens of countries officially at war with Israel. A much larger number of Israeli Arabs, both men and women, were waiting for the Ministry of Interior to admit their spouses into Israel as residents. One NGO, Adalah, claimed to have a list of dozens of couples who were denied the right to unite in Israel, despite laws guaranteeing this right.

During the year, journalists claimed that the Government placed limits on their freedom of movement within the occupied territories, between the West Bank and Gaza, and between Israel and the occupied territories, during violent unrest (*see* Section 2.a.).

Citizens are required to enter and leave the country on their Israeli passports only. In addition, no citizen or passport-holder was permitted to travel to countries officially at war with Israel without special permission from the Government. During the year, there were credible reports that the Government confiscated both the Israeli and Vatican passports of Archimandrite Theodosios Hanna, an Israeli citizen of the Greek Orthodox Church in Jerusalem. Hanna was held and interrogated by police at the Russian Compound. He was questioned regarding visits he made to Syria and Lebanon, relations with PA President Yasser Arafat, and his position on the Intifada. When summoned to collect his passports, Hanna was informed that he would have to sign a statement promising not to incite violence against the state, make statements in support of terrorist activity, and to visit states hostile to the country without Ministry of Interior permission. Hanna refused to sign and was denied his passports.

The Government welcomes Jewish immigrants and their Jewish or non-Jewish family members, refugees and immigrants, on whom it confers automatic citizenship and residence rights under the Law of Return. Children of female converts to Judaism are eligible to immigrate only if the children were born after the woman's conversion. The Law of Return does not apply to non-Jews or to persons of Jewish descent who have converted to another faith. During the year, several Israeli citizens from the former Soviet Union told diplomats that the Ministry of Interior was attempting to strip their citizenship and return them to their home countries because they had divorced their Jewish spouses. At least one of those potential deportees had served a full term in the IDF.

Other than the Law of Return and the family reunification statutes, there is no immigration law that provides for immigration to the country or for political asylum or refugee status. The law does allow individuals to live in the country as permanent residents. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting Jewish refugees. The Government did not provide asylum to refugees from states

with which the country remains in a state of war. Individuals present in the country on tourist or work visas, or those in the country illegally, sometimes filed petitions with the local UNHCR representative as the first step in seeking refugee status. During the year, the Government removed the right to adjudicate status from UNHCR headquarters in Geneva and granted it to an interministerial committee, which reviewed pending cases to determine if the facts merited designation of refugee status. The interministerial committee makes a recommendation to the Minister of the Interior, who has the final authority to determine status. If a person is granted such status, it is government policy to grant renewable temporary visas, provided that the person is not from a state with which the country is at war. In those cases, the Government attempts to find a third country in which the individuals can live. The Government provides refugees all the protections under refugee conventions, although in some instances individual ministries have not complied in an expeditious manner. Some NGOs alleged that the process has been politicized and that decisions of the committee have been disregarded.

The issue of first asylum did not arise during the year.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for adult citizens. National elections were held on February 6, 2001, when Ariel Sharon was elected Prime Minister and the governing coalition changed party affiliation. The country is a parliamentary democracy with an active multiparty system in which political views are wide-ranging. Relatively small parties, including those whose primary support is among Israeli Arabs, regularly win seats in the Knesset. Elections are by secret ballot.

There were no legal impediments to the participation of women and minorities in government. Women held 17 of 120 Knesset seats. Of the Knesset's 20 committees, 6 (including the Committee on the Status of Women) were chaired by women. At year's end, there were 2 women in the Cabinet; 4 women served on the 14-member High Court of Justice. There were 11 Arabs and 2 Druze in the 120-member Knesset; most represented parties that derived their support largely or entirely from the Arab community. No Arab or Druze citizens served on the 14-member High Court of Justice.

In May the Knesset amended the Basic Law, which prohibits the candidacy of any party or individual who denies the Jewish and democratic existence of the State of Israel or incites racism, to also prohibit parties and individuals who "support (in action or speech) the armed struggle of enemy states or terror organizations." This amendment opened a door to challenges which were made by the Attorney General to one Israeli-Arab party and one Jewish candidate.

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

A wide variety of local and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with investigations. However, Human Rights Watch reported increased harassment by IDF soldiers and increased difficulty in gaining permission for expatriate staff to enter the country.

In March the Ministry of Interior issued an order to border officials to bar the entry to all foreign nationals who were affiliated with Palestinian NGOs and solidarity organizations. For example, in April the Ministry of Interior attempted to ban entry into the country of three representatives of international human rights organizations and threatened to deport them within hours. Sidiki Kaba and Driss El Yazami, President and Secretary General of the International Federation of Human Rights Leagues, and Henri LeClerck, former President of the Ligue des Droits de l'Homme, were told they would not be allowed to enter the country. The three had traveled to participate in a press conference regarding human rights violations resulting from Israeli incursions into Palestinian-controlled areas of the occupied territories. All three had proper travel documentation, including visas. The Government stated that it barred these individuals because they were interested in making political statements.

On August 11, Adalah claimed that the Government would investigate the group on the grounds of undertaking activities beyond the scope of its mandate, association with a political party, and financial mismanagement. The group raised concerns and stated that the investigation appeared to be government efforts to hinder or prevent its functioning.

During the year, the Government continued to deny registration to a new Palestinian NGO in Israel, Tawasul. The Government said that it merely wanted the organization to change its name, due to its similarity to those of other registered NGOs (*see* Section 2.b.).

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

The law prohibits discrimination on the basis of sex or marital status. The law also prohibits discrimination by both government and nongovernmental entities on the basis of race, political beliefs, and age. Local human rights groups were concerned that these laws often were not enforced, either as a result of institutionalized discrimination, or because resources for implementing those laws, or mechanisms for their enforcement, were lacking. According to a report submitted to the U.N. by the Government in February, allocation of resources to different population groups was not consistent with the law's prohibition on discrimination.

The Government owns and manages 77 percent of the country's land area, and as a matter of policy it does not sell land. The Jewish National Fund (JNF), an organization established in 1897 for the purchase and management of land for the Jewish people, owned 8 percent of the country's land area, including a considerable amount transferred directly from the Government, and managed another 8 percent on behalf of the Government. The JNF's statute prohibits the sale or lease of land to non-Jews. Foreigners and citizens of all religions were allowed freely to purchase or lease the 7 percent of land not controlled by the Government or the JNF. In March 2000, the High Court of Justice ruled that the Government's use of the JNF to develop public land was discriminatory. At year's end, there were no new developments in this case.

Women.—In March 2000, the Knesset passed the Equality of Women Law, which provides for equal rights for women in the workplace, the military, education, health, housing, and social welfare, and entitles women to protection from violence, sexual harassment, sexual exploitation, and trafficking. The law prohibits domestic violence; however, violence against women was a problem, despite the steps taken by the Government and other organizations to reduce such violence.

During the year, approximately 20 women were killed by their husbands or other male relatives. According to a prominent women's group, between 150,000 and 200,000 (4 and 6 percent) of women and girls were victims of domestic violence each year; an estimated 12,000 to 14,000 (7 percent) of them were abused on a regular basis. According to women's organizations, approximately 3,000 women and girls were assaulted sexually and approximately 1,000 were victims of incest during the year; an estimated 45 percent of them were girls under the age of 18. Only a small percentage of the victims complained to the police. According to the Domestic Violence Law, a district or magistrate court may prohibit access by violent family members to their property.

Rape is illegal.

Arab human rights advocates formed a coalition to raise public awareness of so-called honor crimes. There were an unknown number of Arab women killed during the year by male relatives in family "honor" cases, a violent assault with intent to commit murder against a woman or girl by a relative for her perceived immodest behavior or alleged sexual misconduct. Families often attempted to cover up the cause of such deaths. NGOs and press accounts reported that the Government investigated and tried the perpetrators of so-called honor crimes.

Prostitution is not illegal; however, the operation of brothels and organized sex enterprises is outlawed. Prostitution was a problem. NGOs reported that an unknown number, possibly between 100 and 200, of the nation's prostitutes were under the age of 18.

Trafficking in women became a significant problem in recent years. According to recent studies, every year hundreds of women from the former Soviet Union were trafficked to the country by well-organized criminal networks to work as prostitutes (*see* Section 6.f.).

In 1998 the country adopted a comprehensive sexual harassment prevention law; since that time, several prominent cases have increased public awareness of the issue.

In 1996 legislation was adopted that provides for class action suits and requires employers to provide equal pay for equal work, including important side benefits and allowances; however, women's rights advocates claimed that deep gaps remained. Women's advocacy groups reported that women routinely received lower wages for comparable work, were promoted less often, and had fewer career opportunities than their male counterparts. For example, the wage gap between men and women for year-round, full-time employment was approximately 30 percent, and

only 2 percent of women served in positions of senior management in large companies.

The adjudication of personal status law in the areas of marriage and divorce is left to religious courts, in which Jewish and Muslim women are subject to restrictive interpretations of their rights. Under personal status law, Jewish women are not allowed to initiate divorce proceedings without their husbands' consent; consequently there were estimated to be thousands of "agunot" who may not remarry or have legitimate children because their husbands either disappeared or refused to grant a divorce.

In accordance with Orthodox Jewish law, the 1995 Rabbinical Courts Law allows rabbinical tribunals to impose sanctions on husbands who refuse to divorce wives who have ample grounds for divorce, such as abuse. Since 1999 a foreign citizen has been in prison for refusing to grant his wife a divorce. However, in some cases, rabbinical courts failed to invoke these sanctions. In addition, there were cases in which a wife failed to agree to a divorce, but rabbinical authorities allowed the man to "take a second wife"; this remedy was not available to wives. Such restrictive practices have been used by husbands to extort concessions from their wives in return for agreeing to a divorce. Rabbinical courts also may exercise jurisdiction over and issue sanctions against non-citizen Jews present in the country.

Some Islamic law courts in the country have held that Muslim women may not request a divorce, but that women may be forced to consent if a divorce is granted to a man.

Children.—The Government has stated its commitment to the rights and welfare of children; however, in practice resources at times were insufficient, particularly with respect to low-income families. Government spending was proportionally lower in predominantly Arab areas than in Jewish areas, which adversely affected children in Arab villages and cities. In June the Government passed an emergency economic plan that reduced the child allowance. Children whose parents have served in the army had a cut of 4 percent and children whose parents have not served in the army had a cut of 24 percent. Most Israeli Arabs are exempt from compulsory military service. In addition to the 12 percent cut in February, the decision makes child allowances 37 percent lower for Arab children compared to Jewish children. However, children of Druze or Circassians who are drafted or Christian/Muslims who volunteer for the IDF receive the higher figure. Children from religious Jewish families who do not serve in the IDF receive the lower figure. Ultra orthodox Jews who did not serve in the military faced the same child welfare cuts. However, they were eligible for extra subsidies, including educational supplements not available to others.

Education was compulsory up to the age of 15 or until the child reaches the 10th grade, whichever comes first. Arab children made up approximately one-quarter of the public school population, but historically government resources allocated for them were proportionately less than for Jewish children. Many schools in Arab communities were dilapidated and overcrowded, lacked special education services and counselors, had poor libraries, and had no sports facilities. The Government allocated 26 percent of the school budget for the year for the construction of new classrooms for schools in Arab communities (not including Druze communities). According to the Government's report to the U.N. in February, government investment per Arab pupil was approximately 60 percent of investment per Jewish pupil.

High school graduation rates for Arabs were significantly lower than for Jews. According to 1998 statistics, 58 percent of the teachers in Jewish schools had university degrees compared with 39 percent of the teachers in Arab schools. Preschool attendance for Bedouin children was the lowest in the country, and the dropout rate for Bedouin high school students was the highest.

Arab groups noted that the public school curriculum stressed Israel's Jewish culture and heritage. Israeli Arab students were not eligible to participate in a special education program to provide academic assistance to students from disadvantaged backgrounds. A petition was filed with the High Court of Justice in 1997 charging that the Ministry of Education's refusal to provide this program to Israeli Arab students was discriminatory. The Attorney General's office agreed that the policy constituted impermissible discrimination but asked for 5 years to expand the program to Israeli Arab students. The petitioners rejected this proposal as being too slow. The court held hearings on the case twice in 1999; during the hearings, the Government promised to equalize special education resources by 2004. In July 2000, the Commission to Examine the Implementation of the Special Education Law (the Margalit Commission) published its detailed recommendations on how to improve special education in the Arab sector. At year's end, the Government still had not implemented those recommendations, and the budget for the year did not contain provisions to equalize spending on Arab and Jewish special education.

The Government operated a number of school systems: one for secular Jews, at least two for religious Jews, and one for Israeli Arabs. Most Jewish children attended schools where the language of instruction was Hebrew and the curriculum included Jewish history. Although Israeli Arab children were free to attend "Jewish schools," most chose schools where the language of instruction was Arabic and the curriculum had less of a "Jewish" focus. Israeli Arab children overall received an education inferior to that of Jewish children in the secular system. The Education Ministry allocated money per class, and due to the larger classes of Arab students, acknowledged that it allocated less money per student in the Arab system than in the Jewish systems. In addition, Jewish schools received additional state and state-sponsored funding for school construction and special programs through other government agencies. In its report to the U.N. in February, the Government stated that the discrepancies between the two sectors were reflected in various aspects in the Arab sector; including physical infrastructure, the average number of students per class, the number of enrichment hours, the extent of support services, and the level of education of professional staff. In 1999 the Government decided to implement a plan that would place the budgetary and educational standards of the Arab sector on par with those of the Jewish sector from the period 1999 to 2003. The plan proposed a unified criteria for allocating resources to the Arab sector, relative to the Jewish sector, and proposed integrating the Arab and Druze sectors equally in all new Ministry programs. However, the Follow-Up Committee on Arab Education claimed that the Ministry's implementation was only partial and did not encompass all of the recommendations presented in the original 5-year plan.

In December 2001, Adalah requested that the Government discontinue GSS monitoring and approval of teachers and administrators in Arab schools and claimed that in its role at the Ministry of Education, the GSS discriminated against persons on the basis of their political affiliation (*see* Section 2.a.).

There has been concern regarding the thousands of children of the country's growing population of foreign workers, many of whom resided in the country illegally. Technically, foreign workers may not enter the country with their spouses or bring their spouses into the country on tourist or work status. Those who did were subject to deportation. Foreign workers who married while in country lost their status and were subject to deportation. These restrictions, however, did not preclude the possibility of children being born to foreign workers while in the country. Those children were entitled to remain with their parent and to receive limited health and education benefits until the age of 18. Children of parents who were in the country illegally live in social limbo, occasionally without access to adequate education and medical care.

The Government has legislated against sexual, physical, and psychological abuse of children and has mandated comprehensive reporting requirements regarding these problems. Although there was a sharp increase in reported cases of child abuse in recent years, activists believed that this largely was due to increased awareness of the issue rather than a growing pattern of abuse. There were five shelters for children at risk of abuse.

Activists estimated that there may be several hundred prostitutes among the nation's children (*see* Section 6.f.).

Persons with Disabilities.—The Government provided a range of benefits, including income maintenance, housing subsidies, and transportation support for persons with disabilities, who constituted approximately 10 percent of the population. Existing anti-discrimination laws do not prohibit discrimination based on disability, and persons with disabilities continued to encounter difficulties in areas such as employment and housing. A law requiring access for persons with disabilities to public buildings was not widely enforced. There was no law providing for access to public transportation for persons with disabilities. Extended protests by organizations for persons with disabilities during the year led to a small increase in government spending in support of persons with disabilities.

National/Racial/Ethnic Minorities.—The Government did not allocate sufficient resources or take adequate measures to provide Israeli Arabs, who constitute approximately 20 percent of the population, with the same quality of government services, as well as the same opportunities for government employment, as Jews. In addition, government spending was proportionally far lower in predominantly Arab areas than in Jewish areas; on a per capita basis, the Government spent two-thirds as much for Arabs as for Jews. In February the Government noted in a report to the U.N. that "the Arab population is typified by larger families, lower levels of education, and lower income than the total Israeli population."

Municipalities, including Arab municipalities, were responsible for issuing building permits within the municipal boundaries. Some Arab NGOs claimed that outside

of Arab-governed municipalities, the Government was more restrictive in issuing building permits to Arabs than to Jews.

The Bedouin sector was the weakest of all the population groups in the country. Bedouin living in unrecognized villages had no way to obtain building permits. In May the Government destroyed 52 Bedouin homes, eliminating all the tents and temporary structures in the unrecognized village of al-'Araqib in the Negev, in which two Bedouin tribes were living. Many ministers publicly acknowledged the continuing disparities in government funding for the country's non-Jewish citizens. Following the demonstrations and disturbances in September and October 2000, the Government approved a $975 million (4 billion NIS) economic assistance plan for the country's Arab citizens to be phased in over 4 years. Most of the money included in the plan was allocated for education and new infrastructure development. Israeli Arab leaders and human rights groups criticized the plan because it was not based on a comprehensive survey of the economic and development needs of the country's Arab population and was considered inadequate to meet that population's needs. Critics also pointed out that only half of the total sum represented newly allocated money. The Government had still not implemented the plan by year's end.

By law, the Israel Land Authority has 18–24 members; half of which represent organizations forbidden by statute to transfer land to non-Jews. In 1999 the Government appointed the first Arab citizen to the board, and in 2001 the High Court of Justice ruled that the Government must appoint an additional Arab to the board. However, during the year, this had not been done. In March 2000, the High Court ruled on a 1995 petition brought by an Arab citizen couple who were barred from buying a home in Katzir, a Jewish municipality that was built on state-owned land. The High Court ruled that the Government's use of the Jewish National Fund to develop public land was discriminatory, since the fund's bylaws prohibit the sale or lease of land to non-Jews. The High Court determined that its ruling in the case would not affect previous land allocations and that differentiating between Jews and non-Jews in land allocation might be acceptable under unspecified "special circumstances." The municipality was instructed to develop and publish criteria for its decisions and a plan for implementation. By year's end, Israel Lands Authority had not fully implemented the ruling, and the Arab couple still had not been able to purchase a home in Katzir.

Israeli Arab organizations have challenged publicly the 1996 "Master Plan for the Northern Areas of Israel," which listed as priority goals increasing the Galilee's Jewish population and blocking the territorial contiguity of Arab villages and towns, on the grounds that it discriminates against Arab citizens; the Government continued to use this document for planning in the Galilee. At year's end, there were no discernible changes.

Israeli Arabs were underrepresented in the student bodies and faculties of most universities and in higher level professional and business ranks. In 1999 Arabs constituted 8.7 percent of the students at major universities in the country. Well-educated Arabs often were unable to find jobs commensurate with their level of education. Arab citizens held fewer than 60 of the country's 5,000 university faculty positions. The Government stated that it was committed to granting equal and fair conditions to Israeli Arabs, particularly in the areas of education, housing, and employment. A small number of Israeli Arabs have risen to responsible positions in the civil service, generally in the Arab departments of government ministries. In 1994 a civil service commission began a 3-year affirmative action program to expand that number, but it has achieved only modest results. In 2000 only the Ministry of Health and Ministry of Religious Affairs had representation of more that 5 percent of Arabs in their workforce. The Ministries of Housing, Transportation, and Trade and Industry, all had representation of less than 1 percent of Arabs in their workforce. Arab composition in the remaining 15 ministries was approximately 5 percent. In October 2000, the Knesset passed a bill requiring that minorities and underrepresented populations be granted "appropriate representation" in the civil service and on the boards of government corporations. The Government took steps toward implementing the law during the year, including setting aside civil service positions for Arab candidates and appointing more Israeli Arabs to corporate boards. For example, during the year, an Arab citizen was appointed to the board of Ben Gurion Airport.

In practice few Israeli Arabs served in the military or worked in companies with defense contracts or in security-related fields. The Israeli Druze and Circassian communities were subject to the military draft and the overwhelming majority accepted service willingly. Some Bedouin and other Arab citizens who were not subject to the draft served voluntarily. Those who did not serve in the army had less access than other citizens to those social and economic benefits for which military service was a prerequisite or an advantage, such as housing, new-household subsidies, and gov-

ernment or security-related industrial employment. NGOs challenged in court a government plan to pay less social security child allowance benefits to families in which at least one parent did not serve in the IDF than to families in which at least one parent did. Until the court decides the case, the child benefits remain equal for all families, regardless of parents' IDF service.

Israeli Arab groups alleged that many employers used the prerequisite of military service to avoid hiring non-Jews. For instance, in August 2001 the municipality of Tel Aviv advertised for parking lot attendants; "military service" was a prerequisite.

There were approximately 130,000 Bedouin in the Negev; of this number approximately half lived in 7 state planned communities and the other half lived in 45 settlements that were not recognized by the Government. The recognized Bedouin villages receive basic services from the Government; however, they are among the poorest communities in the country. The unrecognized villages were declared illegal by the National Planning and Building Law of 1965 when the lands on which they sit were rezoned as nonresidential, and the Government claimed ownership of the land. According to the Government, recognizing these villages would conflict with its attempts to establish new villages in "an orderly manner, and would leave disputes over the land unresolved." Residents of the unrecognized villages paid taxes to the Government; however, their villages were not eligible for government services. Consequently, such villages were denied basic health, education, water, electricity, employment opportunities, and other services. In 34 villages, there was no school at all; under these circumstances, there was little incentive to stay in school. New building in the unrecognized villages was considered illegal and subject to demolition. Private efforts have supplied some unrecognized villages with water, and the courts have ordered the provision of limited health and education services. The Government has yet to fulfill its commitment to resolve the legal status of unrecognized Arab villages. Since 1994, 8 villages have been recognized officially, but nearly 100 more, of varying size and with a total population of nearly 70,000 persons, remained illegal. Following a 1999 High Court decision, the Government agreed to begin a study to determine the infrastructure needed in each village, and that the implementation of plans made by a professional team of researchers would be discussed with villagers. A planning committee was required to submit a report regarding the progress of these plans to the Court in October. No projects related to the planning committee had begun by year's end.

In February the Israel Lands Administration sprayed from the air chemical defoliant over 12,000 dunams (12 sq. km) of Bedouin wheat fields on the Negev that had been planted on unrecognized land. The Minister for National Infrastructure explained that the crops had been illegally planted on state-owned land and that he was acting to return the power of the Land Authority. The Ministry's action was widely criticized, both inside and outside the Government.

There continued to be claims by Arab groups that land expropriation for public use affected the Arab community disproportionately; that Arabs have been allowed too little input in planning decisions that affect their schools and municipalities; that mosques and cemeteries belonging to the Islamic Waqf (religious endowment) have been neglected or expropriated unjustly for public use; and that successive governments have blocked the return to their homes of citizens displaced in the early years of the country's history. The Government has yet to agree with the pre-1948 residents of the northern villages of Bir Am and Ikrit, and their descendants, regarding their long-term demand to be allowed to rebuild their houses. In 1997 a special interministerial panel recommended that the Government allow the villagers to return to Bir Am and Ikrit. The High Court granted the Government several extensions for implementing the recommendation. In October 2001, after the expiration of the most recent extension, under instructions from the Sharon government, the State Prosecutor's Office submitted an affidavit to the High Court asking it to reject the villagers' appeal, stating that the Government had legally appropriated the land and that the precedent of returning displaced persons to their villages would be used for propaganda and political purposes by the Palestinian Authority. The Court's decision was pending at year's end.

Section 6. Worker Rights

a. The Right of Association.—Citizen workers may join and establish labor organizations freely. Most unions belong to Histadrut (the General Federation of Labor in Israel) or to a much smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). These organizations were independent of the Government. Histadrut members elected national and local officers and officials of its affiliated women's organization, Na'amat, from political party lists of those already in the union. Plant or enterprise committee members were elected individually. Ap-

proximately 650,000 workers were members of Histadrut, and much of the non-Histadrut work force was covered by Histadrut's collective bargaining agreements.

Palestinians from the West Bank and Gaza Strip who worked in Israel were not able to join Israeli trade unions or organize their own unions in Israel. Palestinian trade unions in the occupied territories were not permitted to conduct activities in Israel (*see* Section 6.a. of the annex). However, nonresident workers in the organized sector were entitled to the protection of Histadrut work contracts and grievance procedures. They may join, vote for, and be elected to shop-level workers' committees if their numbers in individual establishments exceed a minimum threshold. Palestinian participation in such committees was minimal.

Labor laws apply to Palestinians in East Jerusalem and to the Syrian Druze living on the Golan Heights.

Unions were free to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—Citizen workers exercised their legal rights to organize and bargain collectively. While there was no law specifically prohibiting antiunion discrimination, the law against discrimination could be cited to contest discrimination based on union membership. No antiunion discrimination was reported.

Nonresident workers could not organize their own unions or engage in collective bargaining, but they were entitled to be represented by the bargaining agent and protected by collective bargaining agreements. It was estimated that there were approximately 300,000 foreign workers in the country. They did not pay union dues, but were required to pay a 1 percent agency fee in lieu of dues, which entitled them to union protection by Histadrut's collective bargaining agreements. The Ministry of Labor could extend collective bargaining agreements to nonunionized workplaces in the same industrial sector. The Ministry of Labor also oversaw personal contracts in the unorganized sectors of the economy.

The right to strike was exercised regularly. Unions must provide 15 days' notice prior to a strike unless otherwise specified in the collective bargaining agreement. However, unauthorized strikes occurred. Strike leaders—even those organizing illegal strikes—are protected by law. If essential public services are affected, the Government may appeal to labor courts for back-to-work orders while the parties continue negotiations. There were a number of strikes in both the public and private sectors during the year by employees protesting the effects of privatization. Worker dismissals and the terms of severance arrangements often were the central issues of dispute. During the year, there were major strikes of municipal workers on several occasions. The workers were protesting wage and benefit issues.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, specifically including forced and bonded labor by children, and neither citizens nor nonresident Palestinians working in Israel generally were subject to this practice; however, civil rights groups charged that unscrupulous employers often took advantage of illegal workers' lack of status to hold them in conditions amounting to involuntary servitude (*see* Section 6.e.). The problem was notable concerning non-Palestinian illegal workers.

Women were trafficked for the purpose of prostitution (*see* Section 6.f.)

d. Status of Child Labor Practices and Minimum Age for Employment.—Children who have attained the age of 15 years, and who fall under the compulsory education law (which applies to all children except those who have completed grade 10), may not be employed unless they work as apprentices under the Apprenticeship Law. Children who are 14-years-old may be employed during official school holidays. Employment of those 16 to 18 years of age is restricted to ensure time for rest and education; and the Government enforced these restrictions in practice.

There were no reliable data regarding illegal child workers. The small number of child workers reportedly was concentrated among the country's Arab population and its most recent Jewish immigrants. Illegal employment was found primarily in urban, light industry.

Children's rights groups have called for more vigorous enforcement of child labor laws, combined with a parallel effort to deal with the causes of illegal child labor.

e. Acceptable Conditions of Work.—In 2001 the minimum wage was raised to 47.5 percent of the average wage. The minimum wage was calculated periodically and adjusted for cost of living increases. At year's end, the minimum wage was approximately $760 (3,266 NIS) per month. The minimum wage often was supplemented by special allowances and generally was sufficient to provide a worker and family with a decent standard of living. Union officials expressed concern over enforcement of minimum wage regulations, particularly with respect to employers of illegal nonresident workers, who sometimes paid less than the minimum wage.

By law the maximum hours of work at regular pay are 47 hours a week, 8 hours per day, and 7 hours on the day before the weekly rest, which must be at least 36 consecutive hours and include the Sabbath.

Employers must receive a government permit to hire nonresident workers from the occupied territories, certifying that no citizen is available for the job. All Palestinians from the occupied territories were employed on a daily basis and, unless they were employed on shift work, were not authorized to spend the night in Israel. Palestinians without valid work permits were subject to arrest. Due to security concerns, the Government stopped issuing almost all permits for Palestinian workers following the outbreak of violence in 2000.

Nonresident workers were paid through the employment service of the Ministry of Labor, which disbursed wages and benefits collected from employers. The Ministry deducted a 1 percent union fee and the workers' required contributions to the National Insurance Institute (NII), the agency that administered the Israeli social security system, unemployment benefits, and other benefits. Despite these deductions, Palestinian workers were not eligible for all NII benefits. They continued to be insured for injuries suffered while working in the country, maternity leave, as well as the bankruptcy of a worker's employer. However, they did not have access to unemployment insurance, general disability payments, or low-income supplements. Since 1993 the Government has agreed to transfer the NII fees collected from Palestinian workers to the Palestinian Authority, which is to assume responsibility for all the pensions and social benefits of Palestinians working in Israel. Mechanisms for providing these services in the PA controlled territories, as well as mechanisms for transferring the funds, have not been established. At year's end, the funds were not transferred and were held in a trust.

Following the outbreak of violence in 2000, the Government implemented a closure policy, which prevented nearly all Palestinians from getting to their places of employment in Israel (*see* Section 2.d.).

Along with union representatives, the Labor Inspection Service enforced labor, health, and safety standards in the workplace, although resource constraints, such as adequate staffing, affected overall enforcement. Legislation protects the employment rights of safety delegates elected or appointed by the workers. In cooperation with management, these delegates were responsible for safety and health in the workplace.

Workers did not have the legal right to remove themselves from dangerous work situations without jeopardy to continued employment. However, collective bargaining agreements provided some workers with recourse through the work site labor committee. Any worker may challenge unsafe work practices through government oversight and legal agencies.

Public debate continued regarding the role in the workplace and society of non-Palestinian foreign workers, who were estimated to number at least 300,000, about half of whom were undocumented and employed illegally. The majority of such workers came from Eastern Europe and Southeast Asia, and worked in the construction and agricultural sectors. The law does not allow foreign workers the ability to obtain citizenship or permanent residence status, unless they are Jewish, in which case they would qualify under the laws which allow for Jewish persons to immigrate. As a result, foreign workers and their families, especially those who entered the country illegally, experienced uncertainty in addressing legal and social problems, including exploitation or abuse in the workplace.

There have been growing allegations that foreign workers were being lured to Israel with the promise of jobs that in fact did not exist. Many foreign workers paid up to $10,000 to work in Israel. Work visas were tied to specific jobs, and quotas to bring in foreign workers were assigned by the Government to employers. Technically, it is illegal for manpower companies who provide the workers to the employers, to receive payments from the worker, but NGOs and news articles alleged that the companies made thousands of dollars from each worker brought into the country, usually as a payment from the foreign partner. According to NGOs, there have been a significant number of cases where workers have been dismissed shortly after arriving in Israel. These NGOs alleged that the manpower companies worked with deportation authorities to deport the newly arrived workers, who were then replaced with new workers, earning the manpower companies more fees. NGOs argued that most workers expected to work for some time in Israel to recoup their initial payments; often they sought illegal employment for fear of returning home with large debts. According to NGOs, there have been cases where workers have killed themselves rather than face this prospect.

Illegal foreign workers facing deportation were brought before a special court established to deal with issues related to deportation, and workers may contest the deportations. Many workers lacked fluency in Hebrew, which hindered the process.

NGOs existed to aid workers facing deportations, and there have been cases in which the worker's status was reinstated. The court also provided a forum where deportable workers can claim that they were not paid or given benefits according to the law. In some cases, the court delayed deportation until all claims, including severance, were paid. However, some NGOs suggested that illegal workers often lived in situations amounting to involuntary servitude, due primarily to their tenuous legal status. NGOs noted several cases in which foreign workers were injured by the police during arrest. In some cases, these NGOs claimed, the workers were so seriously injured that they were not ultimately detained, due to the potential cost of care for their injuries. At least one foreign worker killed himself while in detention, and NGOs claimed that detention facilities did not meet minimum standards.

During the year there were attempts to include foreign workers within the national trade union Histadrut. News articles and some advocates stated that the union was interested only in collecting dues and had not acted to protect key union members who were singled out for deportation. The editor of the foreign worker newspaper Manila-Tel Aviv Times was deported shortly after giving interviews to other publications on the subject of foreign worker rights under the law; foreign worker advocates claimed the deportation was politically motivated. Human rights groups claimed that since foreign worker residency permits were tied to specific employment, even legal foreign workers had little leverage to influence their work conditions.

f. Trafficking in Persons.—The law prohibits trafficking in women for the purpose of prostitution; however, it remained a serious problem. The penal code stipulates that it is a criminal offense, punishable to between 5 and 7 years imprisonment, to force or coerce a person to engage in prostitution. The penal code also makes it a criminal offense to induce a woman to leave the country with the intent to "practice prostitution abroad." In 2000 the Knesset passed the Equality of Women Law (*see* Section 5), which stipulates that every woman is entitled to protection from violence, sexual harassment, sexual exploitation, and trafficking. In June 2000, the Government enacted a law that prohibits the trafficking of persons for the purpose of prostitution. The operation of brothels and "organized sex enterprises" is outlawed, as are many of the abuses committed by traffickers and pimps, such as assault, rape, abduction, and false imprisonment. During the year, the Government reported that it increasingly pursued legal action against traffickers.

Women were trafficked primarily from the former Soviet Union, including Moldova, Russia, and Ukraine. According to Amnesty International (AI), every year hundreds of women from the former Soviet Union were brought to the country by well-organized criminal networks and forced, often through violence and threats, to work illegally as prostitutes. According to some local NGOs, several hundred women were trafficked into the country annually. NGOs reported that the number of trafficked women entering the country fell from previous years because of increased security at Ben Gurion airport, but women still were being trafficked across the Egyptian border.

Activists estimated that there may be several hundred prostitutes among the nation's children (*see* Section 5).

Traffickers reportedly often lured women into traveling to the country by offering them jobs in the service industry. In many cases, traffickers met women at the border and confiscated all their official documents. Many trafficked women were forced to live and work under extremely harsh conditions and to give most of the money they earned to their traffickers. The women reportedly often were raped and beaten, then auctioned to pimps who repeated the procedure. If the women escaped from their traffickers, they were often afraid to report their situations to the police because the traffickers threatened to hunt them down and hurt them. According to press reports, it was common for trafficked women to be told that they must repay the costs of their travel to the country through servicing up to 25 clients a day. They were paid little or no money for this work and once the debt had been repaid, they were auctioned again.

In previous years, some victims accused individual police officers of complicity with brothel owners and traffickers and the Government worked to review these cases. However, during the year, the Government stated that although there were no specific allegations of police involvement in trafficking, there were several allegations that some police officers were involved in "trafficking-related activity," such as warning brothel owners before police raids.

During the year, the Government opened 67 files for trafficking and related crimes; most files dealt with multiple victims and suspects; the files specifically included trafficking as a charge. A total of 138 persons were detained for trafficking related crimes during the year; 92 persons were arrested and 55 detained until the beginning of legal proceedings. The Government convicted 33 persons and delivered

sentences. In 28 cases, the Government settled by plea bargaining with the defendants.

Police often detained trafficked women following raids on brothels; the number of such raids increased during the year. The Ministry of Interior has broad powers to deport illegal aliens and to hold them in detention pending deportation. According to the Ministry of Public Security, through September, the Government deported 264 victims of trafficking, not all of whom were prostitutes who had been living illegally in the country.

Authorities generally kept trafficked women who were arrested in a special section of a women's prison and then deported them. Trafficked women often did not challenge a deportation order because they did not speak the language or were unaware of the appeals procedure. The Government transferred women who testified against their traffickers to a hotel or hostel and provided them funds on which to live. Many women were reluctant or afraid to testify in trials due to threats and intimidation by their traffickers. The country has no witness protection program or close and effective links with primary supply countries, such as Moldova. Trafficked women could not apply for legal status to remain as refugees or protected persons unless they were Jewish and filed under the Law of Return. NGO reports and witness testimony indicated that the Government did not attempt to determine whether or not a trafficked woman or girl would be at risk of abuse if she were deported to her country of origin, even in cases in which the woman or girl had testified in criminal proceedings.

The Government provided limited funding to NGOs for assistance to victims. In November the Government finalized a plan to make a shelter available for trafficked women. The Government provided legal representation to some trafficked women. The Government acknowledged the need to educate trafficked women regarding where to go for help and was developing such programs, but had not finalized any plans for or begun such education programs by year's end.

THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. Following the Madrid peace conference in 1992, Israel and the Palestinians entered into negotiations and in 1993, signed the Oslo Accords which established a framework for negotiating transitional and final status arrangements. Pursuant to the May 1994 Gaza-Jericho Agreement and the September 1995 Interim Agreement, Israel transferred most responsibilities for civil government in the Gaza Strip and parts of the West Bank to the newly created Palestinian Authority (PA). Israel retained responsibility for external security; foreign relations; the overall security of Israelis, including public order in the Israeli settlements; and certain other matters. (This annex on the occupied territories should be read in conjunction with the report on Israel).

The 1995 Interim Agreement divided the territories into Areas A, B, and C, denoting differing levels of Palestinian and Israeli control. Israel was assigned control of certain civil functions and was responsible for all security in portions of the occupied territories categorized as Area C. Israel and the PA were assigned varying degrees of control and jurisdiction over the Gaza Strip and the West Bank. Since then, Israel and the PA have administered the West Bank and Gaza Strip to varying extents. However, the distinctions made under the Interim Agreements were no longer in force following Israel's military incursions into most PA-controlled areas, which Israel carried out citing the Authority's failure to abide by its security responsibilities.

The "Intifada," or Palestinian uprising, began in September 2000. Its causes are complex and remain highly controversial between the parties. Since 2000 the security situation has deteriorated both within Israel and within the Occupied Territories. Israeli and Palestinian violence associated with the Intifada has claimed 1,782 Palestinian lives, 649 Israeli lives, and the lives of 41 foreign nationals. During the past year, the scale and nature of the violence changed and clashes have continued daily. The conflict was marked by increased Israeli military operations and armed attacks and terrorism by Palestinians against Israeli targets—including civilians within Israel, settlers, and soldiers in the occupied territories and Israel. The attacks also included suicide bombings, roadside bombings, shooting at Israeli vehicles and military installations, firing of antitank missiles and mortars, and use of hand grenades. Israel Defense Forces (IDF) military actions against Palestinians included violence and abuse at checkpoints, incursions into Palestinian-controlled towns and villages, targeted killings, firing toward civilian areas with tanks and fighter aircraft, and intense gun battles with Palestinian shooters. Many observers

characterized such actions as punitive. By year's end, Israel reasserted military control, which placed all major West Bank cities except Jericho under IDF control, demolished the homes of suicide bombers and wanted men, conducted mass arrests, and transferred some suspects.

In the West Bank, Area C included the Israeli settlements, constituted more than 61 percent of the land, and approximately 4 percent of the total West Bank Palestinian population. In Gaza more than 12 percent of the land was designated as Area C equivalent, and included the Israeli settlements. In areas designated as Area B, the PA was assigned jurisdiction over civil affairs and shared security responsibilities with Israel. Approximately 21 percent of West Bank land was Area B, and approximately 41 percent of the West Bank Palestinian population resided there. The Area B equivalent in Gaza constituted almost 19 percent of the land. The PA had control over civil affairs and security in Area A. The West Bank Area A constituted nearly 18 percent of the land, and included roughly 55 percent of the West Bank Palestinian population. The Gaza Area A equivalent constituted approximately 69 percent of the land.

In parts of the West Bank and Gaza, Israel exercised civil authority through the Israeli Ministry of Defense's Office of Coordination and Liaison, known by the Hebrew acronym MATAK. The approximately 208,000 Israeli settlers (an increase of 33,000 since 2001) living in Area C of the West Bank and in the Gaza Strip were subject to Israeli law and, as citizens, received preferential treatment from Israeli authorities compared to Palestinians in the protection of their personal and property rights. The body of law governing Palestinians in the occupied territories derived from Ottoman, British Mandate, Jordanian, and Egyptian law, and Israeli military orders. Certain laws and regulations promulgated by the PA also were in force. The international community considered Israel's authority in the occupied territories to be subject to the Hague Regulations of 1907 and the 1949 Geneva Convention relating to the Protection of Civilians in Time of War. The Israeli government considered the Hague Regulations applicable and maintained that it largely observed the Geneva Convention's humanitarian provisions.

In January 1996, Palestinians chose their first popularly elected government in democratic elections that generally were free and fair; the 88-member Palestinian Legislative Council (PLC) and the Chairman of the Executive Authority were then elected. The PA has a cabinet of 19 ministers; however, Chairman Yasir Arafat controls the affairs of government and makes all major decisions. Most senior government positions in the PA are held by individuals who are members of, or loyal to, Arafat's Fatah faction of the Palestinian Liberation Organization (PLO). Prior to the Intifada, the PLC met regularly to discuss issues significant to the Palestinians; however, it did not have significant influence on policy or the behavior of the executive. In late 2001, Arafat invoked a state of emergency that granted him broader powers to make arrests, prohibit demonstrations, and take action against political opponents.

On May 14, Arafat signed the long-pending Independence of the Judiciary Law and on May 29 the PA Basic Law, which defined the authorities of the three governmental branches and prescribed direct election of a president accountable to a cabinet and to the elected PLC. Neither law was implemented fully, and at year's end the respective roles of the Ministry of Justice and the High Judicial Council in court operations were still unclear (*see* Section 1.e.). West Bank courts applied laws passed by the Legislative Council and pre-1967 Jordanian law. In recent years, the PA made little progress in efforts to unify the Gaza and West Bank legal codes. Gaza law for subjects not covered by unified legislation included elements from Ottoman law, British Mandate law, Egyptian law, and Israeli military orders. The PA courts were perceived as inefficient, and the PA executive and security services frequently ignored or failed to carry out court decisions.

Israeli security forces in the West Bank and Gaza Strip consisted of the IDF, the Israel Security Agency (the ISA-formerly the General Security Service, or GSS, and also known as Shin Bet, or Shabak), the Israeli National Police (INP), and the paramilitary border police. Israeli military courts tried Palestinians accused of committing acts of violence and terror in Israeli-controlled areas. Members of the Israeli security forces committed numerous, serious human rights abuses.

The Palestinian Police Force (PPF) was established in May 1994 and included the Palestinian Public Security Force, the Palestinian Civil Police, the Preventive Security Force (PSF), the General Intelligence Service, or Mukhabarat, the Palestinian Presidential Security Force, and the Palestinian Coastal Police. Other quasi-military security organizations, such as the Military Intelligence organization, also exercised de facto law enforcement powers. Palestinian police were responsible for security and law enforcement for Palestinians and other non-Israelis in PA-controlled areas of the West Bank and Gaza Strip. Israeli settlers in the occupied territories were

not subject to PA security force jurisdiction. Members of the PA security forces committed numerous, serious human rights abuses.

The occupied territories were composed of the Gaza Strip, the West Bank, and East Jerusalem. The population of the Gaza Strip was approximately 1,225,911, not including some 7,000 Israeli settlers. The population of the West Bank (excluding East Jerusalem) was approximately 2,163,667 not including some 182,000 Israeli settlers. The population of East Jerusalem, within the municipal boundaries established by Israel in 1967 was approximately 385,600, including 174,000 Israeli settlers.

The economy of the West Bank and Gaza Strip is small, poorly developed, highly dependent on Israel, and was impacted severely by Israeli curfews and closures, as well as the continuing conflict. The economy relied primarily on agriculture, services, and, to a lesser extent, small manufacturing. Before the beginning of the Intifada, approximately 125,000 workers from the West Bank and Gaza (approximately 22 percent of the Palestinian work force) were employed in Israel. During heightened terrorist activity in Israel or periods of unrest in the West Bank or Gaza, Israeli-imposed closures on Palestinian cities, curfews, and strict limitations on movement within the West Bank and Gaza impeded Palestinians from reaching jobs or markets and disrupted internal and external trade. In addition the IDF and settlers destroyed sections of Palestinian-owned agricultural land and economic infrastructure. The Government of Israel stated that some of these actions, such as the destruction of groves alongside roadways and security fences by the IDF, were necessary for security reasons. Some human rights groups stated that these actions exceeded what was required for security. Unemployment in the West Bank and Gaza was estimated at 44 percent by year's end, up from 23 percent the previous year. Approximately 66.5 percent of Palestinian households were living below the poverty line (57.8 percent of families in the West Bank and 84.6 percent of families in Gaza), which was significantly higher than in previous years.

Israel requires Palestinians to obtain Israeli permits for themselves and their vehicles to cross from the West Bank or Gaza into Israel and Jerusalem. Citing security concerns, Israel applied partial "external closure," or enhanced restrictions, on the movement of persons and products, often for lengthy periods. During times of violent protest in the West Bank or Gaza, or when it believed that there was an increased likelihood of such unrest or of terrorist attacks in Israel, Israel imposes a tightened, comprehensive version of external closure, generally referred to as total external closure. Total external closures also are instituted regularly during major Israeli holidays and during some Muslim holidays. During such closures, Israel prevents Palestinians from entering Israel or Jerusalem. Israel imposed total external closure on the West Bank for the entire year, compared with 210 days of total external closure in 2001 and 88 days in 2000.

Israel also placed Palestinians in the West Bank under strict "internal closure" for the entire year, allowing only Palestinians with special permits for work or health services to leave cities and pass through checkpoints on main roads. Most Palestinians were unable to leave their towns or forced to travel without authorization on secondary roads.

Israeli forces further restricted freedom of movement of Palestinians by imposing extended curfews on Palestinian towns or neighborhoods. These curfews did not apply to Israeli settlers in the same areas.

Israel's overall human rights record in the occupied territories remained poor and worsened in several areas as it continued to commit serious human rights abuses. Security forces killed at least 990 Palestinians and 2 foreign nationals and injured 4,382 Palestinians and other persons during the year, some of whom were innocent bystanders. Israeli security forces targeted and killed at least 37 Palestinian terror suspects. Israeli forces undertook some of these targeted killings in areas where civilian casualties were likely, killing 25 bystanders, including 13 children. The Israeli government said that it made every effort to reduce civilian casualties during these operations.

Israeli security units used excessive force during Palestinian demonstrations, while on patrol, pursuing suspects, and enforcing checkpoints and curfews, which resulted in many deaths. IDF forces also shelled, bombed, and raided Palestinian civilian areas in response to Palestinian attacks on Israeli targets. Israeli soldiers placed Palestinian civilians in danger by ordering them to facilitate military operations, which exposed them to live fire between armed Palestinians and Israeli soldiers. The Israeli government said that it has reiterated to its forces that this practice is absolutely prohibited unless the civilian gives his voluntary consent. Israeli forces sometimes arbitrarily destroyed or looted Palestinian property during these operations. Israeli security forces often impeded the provision of medical assistance to Palestinian civilians by strict enforcement of internal closures, alleging in some

cases that emergency vehicles have been used to facilitate terrorist transit and operations. Israeli security forces harassed and abused Palestinian pedestrians and drivers who attempted to pass through the approximately 430 Israeli-controlled checkpoints in the occupied territories. Israel conducted mass, arbitrary arrests in the West Bank during military operations, summoning and detaining males between the ages of 15 to 45. Israel provided poor conditions for Palestinians in its prisons. Facilities were overcrowded, sanitation was poor, and food and clothing at times were insufficient. Israeli security forces tortured detainees, including using methods prohibited in a 1999 High Court decision; police officers also beat detainees. During the year, two Palestinian prisoners died under ambiguous circumstances after Israeli forces took them into custody. Prolonged detention, limits on due process, and infringements on privacy rights remained problems.

Israel carried out policies of demolitions, strict curfews, and closures that directly punished innocent civilians. Israel intentionally punished innocent Palestinians by demolishing the homes of families and relatives of suspected terrorists. Israel's demolitions left hundreds of Palestinians not involved in terror attacks homeless. Some of the suspects had already been killed or arrested. The IDF destroyed numerous orchards, olive and date groves, and irrigation systems on Palestinian-controlled agricultural land. Israel censored Palestinian publications in East Jerusalem, attacked and closed media outlets in the territories, blocked publications and broadcasts, and periodically detained or harassed members of the media. Three journalists covering clashes between Palestinians and Israeli security forces, including some who clearly were identified as non-combatants, were killed by IDF fire and at least five others were injured. The Israeli authorities placed strict limits on freedom of assembly, and severely restricted freedom of movement for Palestinians. Israeli security forces failed to prevent Israelis from entering Palestinian-controlled areas in the West Bank who injured or killed several Palestinians. In some cases, Israeli soldiers escorted Israeli civilians who beat Palestinians and damaged Palestinian property.

The PA's overall human rights record remained poor, and it continued to commit numerous, serious abuses. Many members of Palestinian security services and the Fatah faction of the PLO participated with civilians and terrorist groups in violent attacks against Israeli settlers, other civilians, and soldiers. The PLO and PA have not complied with most of their commitments to Israel, notably those relating to the renunciation of violence and terrorism, taking responsibility for all PLO elements, and disciplining violators. Although there was no conclusive evidence that the most senior PLO or PA leadership gave prior approval for these acts, some leaders endorsed such acts in principle in speeches and interviews. For example, PA Minister of Interior Hani al-Hassan several months ago made comments affirming the legitimacy of attacks on soldiers and settlers in the territories. On a number of occasions, Arafat called on Palestinians not to attack civilians and ordered a complete cease-fire, but he took no action to that effect. PA and PLO officials often condemned attacks against Israeli civilians, but failed consistently to condemn attacks on settlers and soldiers in the occupied territories. PA security forces arrested some of those implicated in the violence, but most were quickly released or not kept under credible conditions of arrest.

Palestinian security forces used excessive force against Palestinians during demonstrations. The PA was responsible for the death of seven Palestinians who were in its custody. The PA had arrested six of the victims on charges of collaboration with Israel, and vigilantes subsequently killed them. The PA security services either failed to protect the prisoners from attack or actively turned them over to their killers. PA security officials tortured and abused prisoners. Such torture and abuse reportedly was widespread. PA security forces arbitrarily arrested and detained persons, and prolonged detention remained a problem. The PA provided poor conditions for prisoners. PA courts—particularly PA security courts—were inefficient and failed to ensure fair and expeditious trials. The imposition by Israel of internal closure in the occupied territories during the year obstructed courts from holding sessions or issuing rulings during most of the year. The PA executive and security services frequently ignored or failed to enforce court decisions. PA security forces infringed on citizens' rights to privacy and restricted freedom of speech and the press. Palestinian groups harassed and abused journalists. Such restrictions and harassment contributed to the practice of self-censorship by many Palestinian commentators, reporters, and critics. During the year, informal reports of domestic abuse of women increased, and "honor crimes" persisted. Societal discrimination against women and persons with disabilities and child labor remained problems.

Israeli civilians, especially settlers, harassed, attacked, and occasionally killed Palestinians in the occupied territories. During the year, settlers attacked and killed at least five Palestinians. Settlers also caused significant economic damage to Pal-

estinians by attacking and damaging greenhouses and agricultural equipment, uprooting olive trees, and damaging other valuable crops. The settlers did not act under government directive in the attacks, and Israeli soldiers sometimes restrained them, but in several cases Israeli soldiers accompanied them or stood by without acting. The Government of Israel stated that 80 Israeli settlers were indicted for acts of violence against Palestinians. However, in general, settlers rarely served prison sentences if convicted of a crime against a Palestinian.

Palestinian civilians were responsible for the deaths of 154 Israelis killed in the occupied territories. Palestinians targeted Israelis in drive-by shootings and ambushes, suicide and other bombings, mortar attacks, and armed attacks on settlements and military bases. Palestinian militant groups used minors to prepare attacks or carry them out, exploitation that amounted to forced conscription. During the year, Palestinians acting individually or in groups, including off-duty members of the PA security services, killed 74 Israeli civilians, 82 Israeli security personnel, and 3 foreign nationals in the occupied territories. Most of the attacks were organized by a number of Palestinian terrorist groups, including the militant Islamic Resistance Movement (HAMAS), the Palestine Islamic Jihad (PIJ), the Popular Front for the Liberation of Palestine (PFLP), and the al-Aqsa Martyrs' Brigades. The Democratic Front for the Liberation of Palestine (DFLP) and Fatah affiliated groups also participated in the attacks. Palestinian civilians also killed at least 35 Palestinians in the occupied territories who allegedly had collaborated with Israel. Most of the deaths were shootings perpetrated by small groups of unidentified Palestinian gunmen. The PA conducted no investigations and made no arrests in any of these killings.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year, the number of deaths due to political violence associated with the Intifada remained extremely high in the occupied territories. Israeli security forces killed at least 990 Palestinians in the West Bank and Gaza, of whom 132 were members of PA security forces and 2 were foreign nationals. Israeli civilians, mostly settlers, as well as extremist groups believed to be associated with settlers, killed at least five Palestinians. Palestinian militants and civilians killed an estimated 189 Israeli civilians and security personnel in the occupied territories. Palestinian civilians killed at least 35 Palestinians suspected of spying for the Israeli government (*see* Sections 1.c. and 1.g.).

Most Palestinians killed by Israeli security forces were killed during armed clashes, targeted killings, incursions into Palestinian-controlled areas, at checkpoints, or as a result of sometimes excessive or indiscriminate fire toward Palestinian civilian areas. During these incidents, Palestinian protesters frequently threw stones and Molotov cocktails, and in some cases, also fired weapons at IDF soldiers (*see* Sections 1.c. and 1.d.). Israeli security forces used a variety of means to disperse protesters, including tear gas, rubber-coated metal bullets, and live ammunition. The IDF generally did not investigate the actions of security force members who killed and injured Palestinians under suspicious circumstances. Since the start of the Intifada, the IDF has opened only 30 investigations into the improper use of deadly force despite the fact that human rights organizations have raised numerous allegations.

Israeli security forces used excessive force against protesters, in response to perceived threats while on patrols, in pursuing fleeing suspects, and in responding to trespassers in restricted areas, at times resulting in death. For example, on September 30, IDF soldiers shot and killed a 10-year old Palestinian boy in the Balata Refugee Camp in Nablus. The boy was among a group of youths who were throwing rocks at Israeli soldiers. The use of lethal force against a rock-thrower, in this instance and in many others like it, was excessive. IDF statistics state that no Israeli soldier has ever been killed by rock throwing.

On May 5, the IDF killed a mother and her two young children in Jenin, while they were picking grape leaves in the area. Soldiers in an approaching tank heard a loud sound and opened fire, killing the woman and her children. The IDF initially claimed the tank had run over a mine, but later acknowledged that the tank's track had simply disconnected. While the IDF expressed regret for the deaths, it maintained that the soldiers acted according to regulations.

IDF soldiers shot and killed suspects who were avoiding arrest but not threatening their lives. For example, on November 27, the IDF undertook a military incursion into the Askar Refugee Camp in Nablus in the early morning and shot and killed a fleeing man, who walked the streets of the camp in the morning to awaken

people for prayers. He was discovered later to have been a frightened civilian not wanted by the IDF.

IDF soldiers fired without warning on trespassers in restricted areas, on several occasions killing Palestinians who posed no threat. For example, on the night of December 12, Israeli soldiers in a tank fired on and killed five men spotted near the fence dividing Israel and the Gaza Strip. When an IDF patrol went to investigate the scene the following day, it discovered that the five men were unarmed Palestinian workers from a single family who apparently were seeking to enter Israel to find jobs.

The IDF rules of engagement authorize soldiers to use deadly fire in cases of self defense, in defense of others facing an imminent threat to life, during procedures for apprehending suspected terrorists, and in extreme cases when dispersing rioters. The IDF stated that its rules of engagement on the use of live fire are fully consistent with international laws of armed conflict.

During the year the IDF targeted for killing at least 37 Palestinians. In the process, IDF forces killed at least 25 bystanders, relatives, or associates of those targeted and injured a number of others, although the Israeli security forces state that in planning operations, they make every effort to reduce civilian casualties. According to the IDF, the targeted persons were individuals whom the IDF believed were terrorists and had recently attacked or had been planning future attacks against Israeli civilians, settlements, or military targets. The IDF stated that it targeted persons only with the authorization of senior political leaders. The Government of Israel stated that such actions were exceptional self-defense measures taken only against those engaged in hostilities against Israeli citizens and were justified by its obligation to protect its citizens against terrorism and consistent with its right to self defense.

Israeli security forces put large numbers of civilian lives in jeopardy by undertaking targeted killings in crowded areas where civilian casualties were likely. This occurred despite statements that it had aborted operations against known terrorists when it became clear that they might endanger innocent civilians. For example, on July 23, Israel fired a missile at a civilian apartment building in a densely populated area of Gaza City in order to kill HAMAS military wing leader Salah Shahada. Israeli forces killed 14 other Palestinians in the effort, including 9 children. The Government of Israel publicly apologized for the incident.

Israeli security personnel used excessive force while manning checkpoints, killing a number of Palestinians (*see* Section 1.g.). On December 3, an IDF soldier shot and killed a 95-year-old Palestinian woman riding in a taxi on a Ramallah road that the army claimed was forbidden to Palestinian vehicles. An IDF inquiry into the case established that the shots were fired without justification, because the taxi did not pose a lethal threat to the soldiers. The soldier faced possible criminal charges.

Israel put civilian lives in jeopardy by using imprecise, heavy weaponry in operations against terrorist infrastructure conducted in civilian areas, in contravention of their own rules of engagement. Frequently, and often following shooting attacks, many of which were nonlethal, in the direction of Israeli settlements and military positions, the IDF retaliated against Palestinian towns and cities in the West Bank and Gaza. Israeli forces fired tank shells, heavy machine-gun rounds, and rockets from helicopters and F-16s at targets in residential and business neighborhoods located near the sites from which the Palestinian gunfire was believed to have originated. For example, on October 17 an unidentified Palestinian located in the Rafah refugee camp area fired an antitank shell at an IDF construction crew. Israeli forces responded by firing tank shells into the refugee camp, killing seven Palestinians including two women and two children. The shells also injured 35 other Palestinians.

Numerous civilians were killed by Israeli security forces during military incursions into Palestinian-controlled (Area A) cities and towns. Such incursions usually were conducted in response to Palestinian suicide bombings, shooting attacks that had killed Israeli civilians, settlers, or soldiers, or to make arrests. Israeli security forces also conducted military incursions on the basis of intelligence information about possible future attacks. Palestinians often resisted with gunfire and by booby-trapping civilian homes and apartment buildings. The military incursions into these areas varied in length from a few hours to several months. As part of such actions, the IDF usually leveled and raided buildings, including homes. The Government of Israel stated that such actions were intended to widen a security strip area adjacent to Israeli-controlled territory to or clear access for Israeli forces.

On April 3, Israeli security forces launched an incursion into the Jenin refugee camp, home to approximately 14,000 Palestinian civilians. The Government of Israel stated that the incursion was intended to attack Palestinian terrorists who had taken refuge in the camp and were responsible for suicide bombings and other attacks that had killed more than 70 Israelis since March. Israeli forces destroyed ap-

proximately 140 homes and made 200 others structurally unsound during the operation, leaving approximately 4,000 camp residents homeless. Israeli forces killed 52 Palestinians in the operation, including 22 unarmed civilians who were killed inadvertently during the operation. The Israeli government stated that it made every effort to reduce civilian casualties, including by not using heavy weaponry or airpower. Palestinian gunmen killed 14 Israeli soldiers during the operation.

Israeli forces used excessive force to enforce curfews in reoccupied Palestinian areas, resulting in the deaths of at least 15 civilians, 12 of them children under the age of 16. For example, on October 11 Israeli border police enforcing a curfew in Nablus fired on a family sitting on its balcony, killing the mother and injuring her husband and son. Israel said it was investigating the killing, but no results were forthcoming at year's end.

Israeli security forces manning checkpoints often impeded the provision of medical assistance to sick and injured Palestinians, contributing to the deaths of at least 14 Palestinians (*see* Section 1.g.).

During the year, Israeli forces were responsible for the death in custody of at least one Palestinian. On March 31, IDF soldiers detained Murad 'Awaisa, a 17-year-old Palestinian, and several other Palestinians in an apartment building in Ramallah. IDF soldiers beat 'Awaisa and forcibly removed him from the room where he was imprisoned. Other detainees reported intense gunfire inside and outside the building and that the soldiers later told them that 'Awaisa had died. Inspection by the Palestinian physician who took 'Awaisa's body to the hospital and quick burial revealed two bullet wounds. The IDF said it would investigate the death. No results were forthcoming by year's end.

Israel forces may have beaten and killed one other Palestinian prisoner. On December 30, Israeli Border Police in Hebron arrested 'Imran Abu Hamdiyeh, a 17 year old Palestinian. Palestinians found Hamdiyeh dead in Hebron's industrial area later that day. He had been beaten to death. Israel said it was investigating the death but no results of the investigation were forthcoming by year's end.

Palestinian security forces used excessive force against Palestinians during demonstrations. For example, on January 22 PA police in Nablus violently dispersed a crowd demonstrating against the PA and demanding the release of HAMAS and Palestinian Islamic Jihad prisoners. The police shot and killed a Palestinian man while dispersing the crowd.

Palestinian security officers and members of Arafat's Fatah faction attacked and killed Israeli settlers, civilians, and soldiers. They often fired at Israelis from within or close to the homes of Palestinian civilians or in other locations in which civilians were present, drawing Israeli return fire and increasing the potential for the noncombatants to be injured. Arafat issued several ceasefire orders and denounced attacks on civilians without lasting effect, but took no action to arrest or try violators.

During the year, there were no reports that Palestinian security forces impeded the provision of medical assistance to injured Israelis in the occupied territories.

The PA was responsible for the deaths of seven Palestinians in custody. The PA arrested six of the victims on charges of collaboration with Israel, and vigilantes subsequently killed them. The PA security services either failed to protect the prisoners from attack or actively turned them over to their killers. For example, in 2001 PA security services arrested Mahmoud Nimer Sabateen, a 27-year-old Palestinian from the village of Housan, on suspicion that he collaborated with Israel and provided information that led to the killing of Fatah activists. In 2001, Sabateen was sentenced to death by firing squad. On March 14, when the execution still had not been carried out, armed Fatah members dragged Sabateen from his prison and killed him in Bethlehem.

Palestinian police may have tortured and killed one prisoner. On April 24, Ayman Ghayad Hilles, a 36-year-old Palestinian from al-Shajaeya in Gaza, died while in the custody of PA police in Gaza City. On April 23, PA police arrested Hilles allegedly on criminal charges and informed his family 1-day later that he had died in custody after being transferred to al-Shifa Hospital in Gaza City. PA police said that an investigation would be conducted to determine the circumstances of his death. At the request of the family, an autopsy was carried out at al-Shifa hospital. A preliminary examination revealed large bruises on his legs and hands, as well as signs of blunt trauma to the head, suggesting that Hilles had been tortured. The autopsy concluded that it was a suspicious death.

Palestinian civilians harassed, attacked, and killed Israelis, especially settlers and soldiers. During the year, Palestinians, acting as individuals or in unorganized or small groups, including some members of PA security services, killed 88 Israeli civilians, 101 Israeli soldiers, and injured hundreds of others in acts of violence and terrorism in the occupied territories (*see* Section 1.c.). The Palestinian attacks consisted

of shootings, bombings involving improvised explosive devices, suicide bombings, and stone-throwing at Israeli drivers.

For example, on June 5, 2001, a five-month-old Israeli boy was hit in the head and critically injured when Palestinians threw stones at the car he was riding in near Shilo Junction in the West Bank. He was transported to the Hadassah intensive care unit, where he died on June 10.

On February 16, a Palestinian suicide bomber strapped with nail studded explosives blew himself up in a pizzeria at the Israeli Karnei Shomron settlement in the West Bank, killing three Israeli children.

On September 5, Palestinian militants detonated explosives that they had concealed near the Kissufim Crossing in Gaza and blew up an Israeli tank, killing an Israeli soldier.

Israeli settlers, acting individually or in small, at times unstructured, groups harassed, attacked, and occasionally killed Palestinians in the West Bank and Gaza Strip (*see* Section 1.c.). During the year, settlers killed at least five Palestinians by shooting them or stoning their vehicles and causing accidents. For example, on October 6 armed settlers fired on Palestinians harvesting olives. They injured two Palestinian men and killed a Palestinian who rushed to the scene. The Israeli government did not generally prosecute the settlers for their acts of violence (*see* Section 1.g.). According to Israeli government statistics, 80 settlers were indicted for violence against Palestinians. However, in general settlers rarely were detained or even investigated for crimes they committed against Palestinians.

HAMAS, PIJ, the PFLP, DLFP, and Fatah-affiliated groups such as the al-Aqsa Martyrs' Brigades and the Brigades of Return continued to kill and injure Israelis. By year's end, the PA made few arrests in these killings and made no effective efforts to control the violence. Many of those arrested were released a short time later or held under conditions not commensurate with normal conditions of arrest.

Some PA officials made public statements justifying Palestinian attacks on Israelis, stating that such attacks were in response to the occupation. Additionally, Fatah leaders made public statements urging Palestinians to continue all aspects of the Intifada, including violent attacks.

Palestinian civilians also killed at least 35 Palestinians in the occupied territories who allegedly collaborated with Israel. Most of the deaths were shootings perpetrated by small groups of unidentified Palestinian gunmen. In March alone, Palestinian extremists killed 10 alleged collaborators in the streets of the West Bank. The PA made no arrests in any of these killings. An example of such a case was the March 14 death of Mahmoud Nimer Sabateen, in which no one was held accountable.

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

In 2001 one man disappeared in the West Bank and remained missing. Some have suggested that his disappearance was probably criminally motivated and not carried out by Israel.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—In a landmark September 1999 decision, the Israeli High Court of Justice prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures; however, during the year, human rights organizations, including B'tselem, Human Rights Watch, LAW, and the Mandela Institute for Political Prisoners reported that there was an increase in the number of allegations that Israeli security forces tortured and abused detainees, and used methods prohibited in the 1999 High Court decision. Israeli security forces could obtain special permission to use "moderate physical pressure" against detainees considered to possess information about an imminent attack. The GSS has used court-approved "extraordinary interrogation methods"—some of which included physical pressure—in 90 cases since the law was passed in 1999. The Attorney General's office investigated allegations of mistreatment, but few cases were opened and no GSS agent has been criminally charged with torture or other abuse for the past several years. Israeli and Palestinian human rights groups noted that jailers made it difficult to visit prisoners during the interrogation period and that some detainees were reluctant to report abuse out of fear of retribution.

Several human rights groups stated that the case of Abdel Rahman al-Ahmar was representative of the allegations of physical abuse they received. In May 2001, Israeli authorities arrested al-Ahmar, a well-known Palestinian human rights activist and field researcher, for entering Jerusalem without a permit. The authorities first detained al-Ahmar at Etzion prison, then transferred him 6 days later to the Russian Compound in Jerusalem. According to testimony he gave his lawyer, au-

thorities beat al-Ahmar when they arrested him, subjected him to shabeh (shackling in painful positions for prolonged periods), and held him in a dirty, cold cell. According to a press release from the Public Committee Against Torture in Israel, authorities denied al-Ahmar adequate medical care. In June 2001, an Israeli military judge denied al-Ahmar's legal complaint of torture—despite bruises on his arms and visible difficulty walking—and extended his detention without charging him. In July 2001, al-Ahmar was remanded for 6 months of administrative detention, and in November 2001 the order was renewed for an additional 6 months. International, Israeli, and Palestinian human rights groups continued to petition for his release. Al-Ahmar was released early this year.

Most convictions in security cases before Israeli courts were based on confessions. The law prohibits the admission of forced confessions as evidence. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. The Israel government did not allow representatives of the International Committee of the Red Cross (ICRC) access to detainees until the 14th day of detention. Detainees sometimes stated in court that their confessions were coerced, but judges rarely excluded such confessions. During the year, there were no known cases in which an Israeli court excluded a Palestinian confession because of a finding of improper means of investigation or interrogation.

During the year, Israeli security forces injured approximately 4,382 Palestinians during armed clashes, violent demonstrations, retaliatory strikes, and other military actions (*see* Sections 1.a., 1.g., and 2.b.).

The IDF injured a number of bystanders, including journalists, at demonstrations, clashes, during retaliatory strikes, and during targeted killings. During the year, Israeli gunfire killed three journalists and injured at least one other during Israeli military actions (*see* Sections 1.a. and 2.a.).

Israeli authorities abused Palestinians at checkpoints, subjecting them to verbal and physical harassment. Each day, tens of thousands of Palestinians who traveled between Palestinian towns and villages had to pass through 1 or more of the approximately 430 Israeli checkpoints across the occupied territories; significantly more than the 130 checkpoints in 2001. Abuse was common, and as many as several thousand Palestinians encountered some form of abuse from soldiers at checkpoints. Palestinians were subjected to excessive delays in passing through checkpoints. Israeli soldiers forced Palestinian civilians to wait in the rain or inclement weather for excessive periods of time. For example, in November Israeli soldiers made a group of Palestinian schoolteachers in Asira ash-Shamaliya wait in a ditch in the rain for several hours before allowing them to pass through a military checkpoint.

Palestinians in the West Bank and Gaza were subjected to beatings, tire slashings, and gunfire directed against them or their vehicles because they were traveling on, or trying to circumvent, roads on which the IDF blocked passage to Palestinians as it attempted to enforce internal closures between Palestinian cities and towns in the West Bank and Gaza (*see* Section 2.d.).

Israeli security personnel on patrol abused and in some cases tortured Palestinian civilians. On several occasions during the year, Israeli border policemen in Hebron detained Palestinian civilians and beat them without provocation. For example, in early December, Israeli Border Police in Hebron halted Badr Abu Sneineh, a Palestinian taxi driver, handcuffed him, and beat him for 10 minutes. On December 3, IDF soldiers in Hebron raided a barbershop in the city for no stated security purpose, shaved the heads of two Palestinians sitting in the shop, and beat them. The IDF had opened an investigation into the latter incident, but no results were forthcoming at year's end.

Israeli fire killed 4 on-duty Palestinian medical personnel during retaliatory attacks on civilian areas or PA institutions, compared to 67 attacks against Palestinian Red Crescent Society (PRCS) ambulances and 121 injuries caused by IDF soldiers (*see* Sections 1.a and 1.g.).

Article 13 of the PA Basic Law signed this year prohibits the use of torture or force against detainees; however, PA security forces tortured and abused Palestinian detainees. Such abuse generally took place after arrest and during interrogation, and reportedly was widespread. Palestinian security officers were not issued formal guidelines regarding the proper conduct of interrogations. The PA lacked adequate equipment to collect and use evidence, and convictions were based largely on confessions.

PA security officials tortured and abused prisoners by threatening, hooding, beating, and tying detainees in painful positions, forcing them to stand for long periods of time, depriving them of sleep and food, and burning detainees with cigarettes and hot instruments. Palestinians also alleged that PA authorities have shaken them violently while in PA custody. International human rights groups have documented widespread arbitrary and abusive conduct by the PA. The organizations stated that

the use of torture was widespread and not restricted to those persons detained on security charges. Human rights groups stated that Palestinians who were suspected of belonging to radical Islamic groups were more likely to be treated poorly, as were the 250 alleged collaborators with Israel who were arrested since the start of the Intifada. Observers noted that documentation of abuses was very limited, due partly to the hesitancy of alleged victims to file or make public claims of torture and abuse against the PA authorities.

During the year, one Palestinian died under PA custody, allegedly due to abuse (*see* Section 1.a.).

Palestinian security officers and Fatah Tanzim members with firearms attacked and injured Israelis. In some cases, they fired at Israeli civilians or soldiers from within or close to the homes of Palestinian civilians, drawing Israeli return fire (*see* Section 1.a.). Palestinian security forces often failed to prevent armed Palestinians in areas under PA control from opening fire on Israeli settlers or other civilians, soldiers, or military targets.

Extremist Israeli settlers harassed, attacked, and occasionally killed Palestinians in the West Bank and Gaza Strip (*see* Section 1.a.).

Some settlers attacked Palestinian homes and damaged crops, olive trees, greenhouses, and agricultural equipment, usually in areas located near settlements, causing extensive economic damage to Palestinian-owned agricultural land. In October settlers disrupted the Palestinian olive harvest by firing on Palestinians picking olives, beating harvesters returning home and stealing the harvest, and invading Palestinian property and picking the olives themselves. The settlers admitted to these activities but cited past Palestinian attacks on their settlement and claimed that the Palestinians must be deterred. Many settlers also claimed that Palestinians had no right to live on the land of "greater Israel" and that Palestinian attempts to cultivate their land was a form of theft. The settlers acted in an area in which the IDF was responsible for security. Settlers acted independent of government direction in such attacks. There have been some instances in which IDF forces protected Palestinians from settlers; however, the Government of Israel generally did not prosecute settlers for their acts of violence against Palestinians, and settlers rarely served prison sentences if convicted of a crime against a Palestinian. However, during the year, the Government stated that it indicted 80 Israelis for violence against Palestinians. In 20 of the cases, the perpetrators were indicted during their detention. Israel often enforced security by applying curfews and closures only to Palestinians, which on occasion prevented Palestinians from defending themselves and their property from attacks by settlers.

For example, from July 26 to 28, settlers in Hebron killed Nivin Jamjum, age 14, stabbed Ahmad a-Natsheh, age 8, beat Ahmad's brother Falah, age 9; injured more than 10 other Palestinians; took control of a house and damaged property in 20 other houses. Settlers also verbally and physically abused Israeli security forces in the city, but some committed their violence while accompanied by Israeli soldiers. Settlers claimed they were avenging a Palestinian shooting attack on July 26 that killed Elazar Leibowitz, a 21-year-old Israeli soldier and Hebron settler, and three residents of the P'sagot settlement, Hana and Yosef Dickstein and their 9-year-old son, Shuva'el. The couple's two other children were injured in the attack. A curfew on the city remained in effect for Palestinians during the duration of the events described.

During the year, Israeli settlers in Hebron continued their longstanding harassment of members of the Temporary International Presence in Hebron (TIPH), which monitored relations between Israeli and Palestinian security forces, Palestinian civilians, and settlers in the city, and damaged a number of their vehicles.

Palestinians harassed, attacked, and occasionally killed Israelis, especially settlers (*see* Section 1.a.).

Conditions for Palestinians in Israeli prisons were poor. Facilities were overcrowded, sanitation was poor, and at times food and clothing were insufficient. Israel set up tents at the Ofer Camp and crowded 60 Palestinian prisoners under each tent. Israel was unprepared to accommodate properly the thousands of Palestinians that were arrested in sweeps that accompanied Israeli operations this year. During April and May, Israel shut down the Ketziot prison to reorganize the facilities after discovering that it was not suited to handling the large number of detainees. In August 40 female Palestinian prisoners at the Ramlah prison conducted a 5 day hunger strike protesting conditions at the facility.

The IDF prevented families from the West Bank from visiting prisoners, citing the security situation as the reason. Visits for families of prisoners from Gaza took place at a fairly normal level. During the year, one Palestinian prisoner died in Israeli custody under suspicious circumstances and another Palestinian who had been taken into custody was later found dead (*see* Section 1.a.).

Israel permitted independent monitoring of prison conditions by the ICRC and other groups, although human rights groups sometimes encountered difficulties gaining access to specific detainees.

The PA provided poor conditions for its prisoners. In many cases, facilities were old, dilapidated, and neglected. There are separate facilities to hold juvenile prisoners. Most Palestinian prison facilities and detention centers were destroyed during the current conflict, and prisoners were kept informally in houses or other buildings. One Palestinian died under suspicious circumstances after having been taken into custody by the PA (*see* Section 1.a.).

The PA permitted independent monitoring of its prisons, although human rights groups, humanitarian organizations, and lawyers reported difficulties arranging visits or gaining access to specific detainees. Human rights organizations stated that their ability to visit PA prisons and detention centers varied depending on which security organization controlled the facility. Human rights organizations stated that the police, the Preventive Security Force, and Mukhabarat generally allowed them to inspect facilities and visit prisoners and detainees. However, they stated that the Military Intelligence Organization usually did not grant them access to facilities that they controlled. Human rights monitors stated that prison authorities did not consistently permit them to have access to PA detention facilities, and that they rarely were permitted to see inmates while they were under interrogation.

The ICRC operated in the West Bank and Gaza under the terms of a memorandum of understanding signed in September 1996 between the ICRC and the PLO. The memorandum accorded the ICRC access to all detainees held by the PA and allowed regular inspections of prison conditions. In accordance with the agreement, the ICRC conducted visits of facilities run by the PA. The PA may deny a group access to a detainee for 14 days immediately following his or her arrest. When abuses occurred, they frequently happened during that 2 week period.

d. Arbitrary Arrest, Detention, or Exile.—Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed a criminal or security offense. During the year, Israel conducted mass, arbitrary arrests in the West Bank. Most of those arrested were released several days or weeks thereafter. On April 5, Israel issued Military Order 1500, allowing the Israeli army to detain people for 18 days during which detainees were barred from seeing a lawyer or appearing before court. In March and April, during Operation Defensive Shield, Israel conducted mass arrests under this order's authority. Israeli forces began the operation on March 28, one day after a Palestinian suicide bomber blew himself up in the Park Hotel in Netanya, killing 30 Israelis. Israel entered cities and ordered all male civilians between the ages of 15 and 50 to assemble in main squares, blindfolded and handcuffed them, and led them to detention centers for processing. In such a way Israel arbitrarily detained approximately 7,000 Palestinians and later released 5,600 of them after a few days or weeks without taking legal action against them. Several Palestinians and human rights groups challenged the legality of these arbitrary arrests and delays of legal representation in court, and Israel announced that it would allow access to an attorney within 4 days and an appearance before a judge after 12 days. Human rights group did not consider these changes sufficient and their legal challenge had not been adjudicated by year's end.

Israel used administrative detention to hold hundreds of Palestinians without trial or charge. Prisoners who were not charged and tried in time were administratively detained after their arrest to put off their trial. At year's end, Israel held 1,007 Palestinians in administrative detention. Individual administrative detention orders could be issued for up to 6-month periods and could be renewed indefinitely. Israel conducted de facto detentions at checkpoints by confiscating Palestinian identification cards and keys. Israel conducted these detentions as a form of harassment at checkpoints and Palestinians were unable to leave the scene until IDF soldiers returned the items.

Israeli authorities intermittently issued special summonses for those suspected of involvement in or knowledge of security offenses. There were reports that some such summonses were issued immediately before and during the Intifada. Israeli military order 1369 provided for a 7-year prison term for anyone who did not respond to a special summons delivered to a family member or posted in the MATAK office nearest the suspect's home address. During the year, there were no reports that any person was convicted of failing to respond to a summons. Bail rarely was available to those arrested for security offenses.

Israel applied a different age standard in prosecuting Palestinian youth than when prosecuting Israeli youth. Israeli youth under the age of 18 cannot be tried as adults; however, Palestinian youth who are 17 years of age can be tried as adults.

Authorities must inform detainees of their right to an attorney and whether there are any orders prohibiting such contact. Higher-ranking officials or judges may extend the period during which a detainee is denied access to counsel. For example, access to counsel was denied routinely while a suspect was being interrogated, which may last up to several weeks.

Israel hampered or prevented contacts between Palestinians in Israeli prisons and detention facilities and their lawyers, families, and human rights organizations. Legislation regarding the occupied territories requires the Israeli authorities to inform the family of a person's arrest and place of detention "without delay." Israeli authorities stated that they attempted to post notification of arrest within 48 hours, but that senior officers may delay notification for up to 12 days. In fact a military commander may appeal to a judge to extend this period in security cases for an unlimited period of time. Such notification rarely was given, and Palestinian suspects often were kept incommunicado for much longer than 48 hours. Even if family members or others became aware of a person's arrest, it often was difficult for them to obtain information regarding where a detainee was being held or whether the detainee had access to an attorney. Palestinians generally located detained family members through their own efforts. Palestinians may check with a local ICRC office or the Israeli human rights organization HaMoked to determine whether it has information regarding the whereabouts of a family member.

The Israeli government routinely transferred Palestinians arrested in the occupied territories to facilities in Israel, especially the prison in Ashkelon and the military detention centers in Megiddo and the Negev Desert. Israeli authorities in some instances scheduled appointments between attorneys and their detained clients, only to move the clients to another prison prior to the meetings. Authorities reportedly used such tactics to delay lawyer-client meetings for as long as 90 days. Palestinian prisoners had difficulty obtaining legal representation because of restrictions in place on Palestinian lawyers. Since the Intifada began, only Israeli citizens or Palestinian lawyers with Jerusalem identification cards were permitted to visit Palestinian prisoners in Israeli prisons as advocates or monitors. This significantly reduced the availability and timeliness of legal aid for such prisoners due to a reduction from 1,300 to approximately 100 available lawyers to handle such cases. Lawyers with Jerusalem identification cards reported frequent, repeated, and lengthy delays in meeting with prisoners. Israeli lawyers did not take steps to fill the void, which had grown even more severe with the greatly increased numbers of Palestinian detainees during the past year.

Human rights groups stated that Palestinian lawyers from the Gaza Strip had a more difficult time obtaining permission to meet their clients than their West Bank counterparts, and that they were denied entry into Israel more frequently than West Bank lawyers.

Male family members between 16 and 40 years of age, and any family members with security records, generally were barred from visiting relatives in Israeli facilities. Relatives of Palestinian prisoners also stated that in some instances they learned that visitation rights were canceled only when they arrived at the prison after having traveled for many hours from the occupied territories. Following the outbreak of violence in September 2000, the Israeli government banned all family visits for Palestinian prisoners in Israeli prisons, although some visitation rights were restored intermittently after ICRC intervention (*see* Section 1.c.).

Evidence used at hearings for administrative detentions in security cases was secret and unavailable to the detainee or his attorney during the hearings; the detainee and defense lawyer were required to leave the courtroom when secret evidence was presented. Israeli authorities maintained that they were unable to present evidence in open court because doing so would compromise the method of acquiring the evidence. In 1998 the High Court of Justice ruled that only judges, rather than military officials, may renew administrative detention orders beyond a 6-month period. Detainees may appeal detention orders, or the renewal of a detention order, before a military judge, but their chances for success were very limited. No information was available regarding whether any detainees were successful in such appeals.

During the year, the total number of Palestinian prisoners and administrative detainees in Israeli prisons more than doubled due to arrests associated with terrorist acts and the violence of the ongoing Intifada. According to the IDF, there were 4,672 Palestinian security prisoners held in IDF and Israeli Prisons Service jails, compared to 1,854 at the end of 2001. The IDF also held an unspecified number of Palestinian detainees in waiting facilities in the occupied territories. Approximately 1,400 had been detained before the Intifada began (most of them were pre-Oslo prisoners serving long terms), and approximately 3,000 of those in custody had been ar-

rested during the year. During the year, approximately 10,000 Palestinians were detained, of whom an estimated 7,000 were released or had completed their sentences.

At year's end, Israel held 1,007 Palestinians in administrative detention. Most had been detained for less than 1 year. A number of Palestinians under administrative detention during the previous several years have had their detention orders renewed repeatedly and few, if any, appeals were successful.

Israel forcibly transferred persons suspected of terror from the West Bank to Gaza. In July the Government of Israel announced its intention to forcibly transfer from the West Bank to the Gaza Strip relatives of persons known or suspected of having organized or participated in attacks against Israelis. On August 1, the IDF West Bank Commander signed an amendment to Military Order 378 allowing for the forcible transfer of Palestinians from the West Bank to the Gaza Strip. On September 3, the Israeli High Court of Justice issued a ruling allowing the forcible transfer of two Palestinians from Nablus to the Gaza Strip on the grounds that they were not being transferred out of the occupied territories and had allegedly assisted their brother to commit attacks against Israelis. The two Palestinians, Intisar and Kifah 'Ajuri, were in detention since June 4 and July 18, respectively, but never were charged nor brought to trial. The Israeli government claimed that it could not try them because this would expose the source of the evidence against them.

The 2001 PA Criminal Procedures Law contains unified procedures that allow police to hold detainees without charges for 24 hours. Prosecutors can authorize detention for another 15 days. Court approval is necessary for detention without charges for a maximum of 30 more days. The Attorney General can ask any court of first instance to authorize up to another 45 days of detention. After the first 90 days of incarceration, the detainee must be brought before the court having jurisdiction in the case for any other extension of detention. A trial must start within 6 months of arrest, or the detainee must be released.

On May 14, Chairman Arafat signed the Independence of the Judiciary Law and on May 29 he signed the PA Basic Law, which defines the authorities of the three governmental branches and prescribes direct election of a president accountable to his cabinet and to the elected PLC. Neither law has yet been fully implemented; hence the safeguards they offer are not fully in place. The lack of safeguards has contributed to the tendency of PA security forces to refuse to carry out High Court of Justice orders to release detainees.

PA security forces arbitrarily arrested and detained persons, and security officials often ignored laws that restrict their actions. The PA ignored court decisions calling for the release of alleged security criminals. On November 24, the PA High Court of Justice ordered Eid Atya Abu Anseer released from detention for lack of evidence. The PA Military Intelligence Service in Gaza had arrested Anseer on charges of collaborating with Israel. Despite this ruling, Anseer remained imprisoned at year's end. Lawyers and PA judicial officials acknowledged that, in contravention of the law, PA security services sometimes arrested and detained persons without informing judicial officials.

At year's end, approximately 250 suspected collaborators and at least 20 political prisoners were in custody in PA prisons (*see* Section 1.e.). These alleged collaborators often were held without sufficient evidence, and denied access to lawyers, their families, or doctors.

PA authorities generally permitted prisoners—except those held for security offenses—to receive visits from family members and human rights monitors. PA security officials did not always permit lawyers to see their clients. In principle detainees may notify their families of their arrest, but this was not always permitted.

PA security services had overlapping or unclear mandates that often complicated the protection of human rights. Leadership changes and Israeli strikes against security posts have seriously crippled the PA security apparatus. Under existing law in the West Bank, only the PA's civil police force is authorized to make arrests. In practice all security forces detained persons at various times. The operating procedures and regulations for the conduct of PA security personnel in the various services still were not well developed and have not been made fully available to the public.

There were many detention facilities in the West Bank and Gaza Strip administered by the overlapping PA security services, a situation that complicated the ability of families, lawyers, and even the Ministry of Justice to track detainees' whereabouts and to determine their numbers. During the year, most PA prisons were destroyed during Israeli operations, and the use of informal detention centers in homes and apartment buildings spread. Security services, including Preventive Security, General Intelligence, Military Intelligence, and the Coast Guard have their own interrogation and detention facilities. In general these services did not inform families of a relative's arrest, or did so only sporadically. Most PA security officers

remained unaware of proper arrest, detention, and interrogation procedures, as well as basic human rights standards.

PA security forces continued to harass journalists, political activists, and human rights advocates who criticized the PA and its policies (*see* Section 2.a.).

Neither the Israeli government nor the PA used forced exile, or forcibly deported anyone from the occupied territories, during the year. However, Israel and the PA sanctioned the voluntary agreement of 13 Palestinian gunmen to go into exile in Europe and another 35 to Gaza in a negotiated resolution of the standoff at the Church of the Nativity in Bethlehem in the spring.

e. Denial of Fair Public Trial.—Israeli law provides for an independent judiciary, and the Government generally respected this provision. Palestinians accused by Israel of security offenses in the occupied territories usually were tried in Israeli military courts. Security offenses are defined broadly and may include charges as varied as stone throwing or membership in outlawed organizations, such as HAMAS or the PFLP. Military prosecutors brought charges. Serious charges were tried before three-judge panels; lesser offenses were tried before one judge. The Israeli military courts rarely acquitted Palestinians of security offenses, but sentences in some cases were reduced on appeal.

The 1970 regulations governing Israeli military trials allowed for evidentiary rules that were the same in criminal cases. Convictions may not be based solely on confessions, although in practice some security prisoners were sentenced on the basis of the alleged coerced confessions of both themselves and others. The prosecution must justify closing the proceedings to the public in such cases, and the Attorney General determines the venue. Counsel may assist the accused, and a judge may assign counsel to those defendants when it is deemed necessary. Charges are made available to the defendant and the public in Hebrew, and the court may order that the charges be translated into Arabic if necessary. Sentencing in military courts was consistent with that in civilian criminal courts. Defendants in military trials had the right to appeal through the Military High Court. Defendants in military trials also may petition to the civilian High Court of Justice (as a court of first instance) in cases in which they believe there are procedural or evidentiary irregularities. The court may hear secret evidence in security cases that is not available to the defendant or his attorney; however, while a conviction may not be based solely on such evidence, it reportedly may influence the judge's decision.

Trials sometimes were delayed because witnesses, including Israeli military or police officers, did not appear, the defendant was not brought to court, files were lost, or attorneys failed to appear, sometimes because they were not informed of the trial date or travel restrictions prevented Palestinian lawyers from reaching the court (*see* Section 2.d.). These delays pressured some defendants to plead guilty to minor offenses so that an expedited trial could be held; in expedited trials a charge sheet was drawn up within 48 hours and a court hearing was scheduled within days. There frequently was no testimony provided by Palestinian witnesses either for or against Palestinians on trial. Israeli authorities maintained that this was due to the refusal of Palestinians to cooperate with the authorities. However, Palestinian authorities maintained that the absence of Palestinian witnesses was due to strict travel restrictions. Tension resulting from the security situation, and the closures imposed on the West Bank and Gaza, posed additional barriers to cooperation. Physical and psychological pressures and reduced sentences for those who confessed induced security detainees to sign confessions. Confessions usually were given in Arabic but translated into Hebrew for the record because, authorities maintained, many Israeli court personnel could speak Arabic but few could read it. As a result, many Palestinian prisoners signed confessions written in Hebrew, which many could not read or understand.

Crowded facilities and poor arrangements for attorney-client consultations in prisons hindered legal defense efforts. Appointments to see clients were difficult to arrange, and prison authorities often failed to produce clients for scheduled appointments.

Israeli settlers in the West Bank and Gaza Strip accused of security and ordinary criminal offenses were tried under Israeli law in the nearest Israeli district court. Civilian judges presided, and the standards of due process and admissibility of evidence were governed by the laws of Israel, not military orders. Settlers rarely were prosecuted in Israeli courts of crimes against Palestinians, and, in the rare instances in which they were convicted, regularly received lighter punishment than Palestinians convicted in Israeli courts of similar crimes against either Israelis or other Palestinians (*see* Section 1.a.). The Government of Israel stated that it established a special department within the police force to investigate violence by settlers; the establishment of such a unit has not noticeably diminished the problem. During the year, 42 settlers were indicted for violence in the occupied territories;

however, most of these indictments were for crimes against Israeli security forces rather than against Palestinians.

The Israeli government maintained that it held no political prisoners, but Palestinians claimed that many of the 1,007 Palestinian administrative detainees being held without charge were political prisoners.

The Government of Israel held thousands of persons for security related offenses (*see* Section 1.d.).

The PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. The PA executive and security services frequently failed to carry out court decisions and otherwise inhibited judicial independence. The lack of judicial independence and the lack of rule of law in the PA lead to continuing problems of torture, extrajudicial killings, and arbitrary detention (*see* Sections 1.a., 1.c., and 1.d.).

The PA inherited a court system largely based on structures and legal codes that predate the 1967 Israeli occupation and Israeli military orders. Legislation implemented in the past 2 years clarified the court structure and changed the types or sizes of cases that some of the civil courts can conduct. A High Judicial Council (HJC) maintained authority over most court operations. In each governorate there must be at least one conciliation court and a court of first instance that hears appeals from that conciliation court, and that has original jurisdiction of more serious cases. Legislation dictates that three courts of appeal sit in Gaza, Ramallah, and Jerusalem to review decisions of the first instance courts. In practice, there was no Jerusalem appeals court and the Ramallah court handles its responsibilities. There was also a High Court, officially designated as sitting in Jerusalem, but it meets in Ramallah and Gaza City. The High Court also served as the Constitutional Court until additional legislation establishes it as a separate court. The High Court also serves as the Court of Cassation and as an administrative court until administrative courts are established by legislation. Most of the changes required by the legislation started to take effect during the last year, and very limited resources and restriction of movement have hampered the transition.

The PA executive at times did not respect decisions of the courts, and the Palestinian security agencies did not always enforce their rulings (*see* Section 1.d.). In 1995 the PA established state security courts in Gaza and the West Bank to try cases involving security issues, but in recent years only the High State Security Court has functioned. A civilian judge who also sits on the Court of Appeals headed the High State Security Court. In most cases, three military judges presided over each case. Most of the judges were military officers but a civilian judge usually headed each panel of the High State Security Court. There was no right of appeal, but the PA president reviewed the court's findings, and he could confirm or reject its decisions. The PA Ministry of Justice had no jurisdiction over the state security courts, which were subordinate only to the Chairman. There was a separate Attorney General appointed by the Chairman to work with the state security courts. There were military courts to handle charges against members of the security forces, but during the year, they saw little if any activity.

The Gaza legal code is derived from Ottoman law, British Mandate law, Egyptian law, and PA directives and laws. Pre-1967 Jordanian law, together with PA directives and laws, applied in the West Bank. Both sets of laws were modified substantially by Israeli military orders. According to the Declaration of Principles and the Interim Agreement, Israeli military decrees issued during the occupation remained valid in both areas and were subject to review by the parties pursuant to specific procedure. The PA had passed many pieces of fundamental legislation that unify the Gaza and West Bank legal codes, but there was still a lack of unified legislation and regulations on many subjects. Human rights advocates stated that the PA's judiciary did not operate consistently. Judges stated they were hampered by their lack of information about decisions issued by other courts.

The court system in general was struggling to recover from years of neglect; most of the problems predated PA jurisdiction and were aggravated by lack of resources and attention since the PA assumed control of the courts. Judges and staff lacked sufficient resources and suffered from a lack of skills and training. In addition, closures, curfews, and the inability of PLC members to travel seriously impeded administrative functions and implementation of reform. Court procedures and record keeping were antiquated, although donor-funded activities started to improve some of the systems. The delivery of justice often was perceived as slow and uneven. The ability of the courts to obtain enforcement of their decisions was extremely weak. A heavy caseload even before the Intifada exacerbated these systemic problems. During the past 2 years, the revolving caseload reportedly increased by 50 to 60 percent (*see* Section 2.d.).

The High Judicial Council (HJC) slowly was gaining authority over judicial matters that formerly were administered by the PA Ministry of Justice. The 1998 Independence of the Judiciary Law created the HJC to enhance the judicial system and its independence. Arafat appointed an HJC by a decree issued in 2000 and published in 2001, giving it the powers it would have had if he had signed the judicial independence law. Arafat signed that particular law as well as the PA Basic Law on May 14, both of which pertained to the powers of the HJC. However, instead of appointing an HJC with the 9 members required by the judicial independence law, Arafat reappointed the same 11 members he appointed in 2000. Three of the HJC members were older than 70 years, the age limit contained in the law for HJC members, including its president. During the year, discussions continued within the PA about the membership of the HJC and the extent of control the laws give the Ministry over court operations, even as the HJC planned the budget for the judicial branch, supervised judicial operations in the West Bank and Gaza, and nominated more than 30 new judges for the Chairman's confirmation. Prior to this year, the Ministry of Justice appointed all civil judges for 10-year terms and supervised judicial operations.

The PA's state security courts failed to afford defendants due process. In theory these courts can apply procedures from the criminal procedures law or those specified in the Revolutionary Code. The PA usually ignored the legal limits on the length of prearraignment detention of detainees suspected of security offenses. Defendants often were brought to court without knowledge of the charges against them or sufficient time to prepare a defense. They typically were represented by court-appointed lawyers, who generally were members of the security services with valid law degrees, but who had not practiced trial law, or in some cases, any law, as part of their career. However, during the year there were more cases in which defendants chose their own lawyers. Court sessions often took place on short notice in the middle of the night, and the advocates were not always present. In some instances, security courts tried cases, issued verdicts, and imposed sentences in a single session lasting a few hours.

During the year, the state security courts sentenced 12 persons to death for collaboration with Israel in the killing of Palestinians. Defendants often were unable to obtain competent legal counsel or bring forward witnesses in their defense. All executions required approval from PA Chairman Arafat before they could be carried out, and he has not granted such permission since the execution of two Palestinians in 2001.

The state security courts adjudicated cases that fell far outside the scope of the courts' original mandate. In addition to cases in which violations of state security allegedly occurred, the courts have on occasion dealt with tax cases and economic crimes, such as smuggling. In 2000 Chairman Arafat decreed that "serious" crimes, including homicide, rape, and drug trafficking, be referred to state security courts. The decision prompted human rights organizations to issue statements requesting the abolition of state security courts and the referral of all cases to the regular civil courts.

There were no reports during the year that persons were convicted for their political beliefs. However, at year's end, a credible Palestinian prisoner rights organization estimated that the PA held at least 20 political prisoners, as well as approximately 250 Palestinians on charges of collaboration (*see* Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Israeli military authorities on many occasions entered private Palestinian homes and institutions without a warrant, citing security concerns. An officer of the rank of lieutenant colonel or above could authorize such action. In conducting searches, both in areas under Israeli control and during incursions into areas ostensibly under PA control, IDF personnel forcibly entered and in some cases, beat occupants and destroyed property.

Israeli forces arbitrarily destroyed or looted Palestinian property during military operations. During Operation Defensive Shield, which lasted from March 29 through April 21, numerous Palestinian Authority, NGO, and private offices were vandalized, damaged, and looted. Six Israeli soldiers were indicted for looting, of whom five were convicted and demoted and given prison sentences of up to five months. 20 other Israeli military police investigations were underway for violence, looting, and vandalism. Israeli authorities stated that forced entry may occur lawfully only when incident to an arrest and when entry was resisted. Authorities stated that beatings and arbitrary destruction of property during searches were punishable violations of military regulations and that compensation was due to victims in such cases. The Israeli government stated that it did not keep consolidated information regarding the claims against the Ministry of Defense for damages resulting from IDF actions.

Israeli security forces demolished and sealed the homes (owned or rented) of Palestinians suspected of terrorism or the relatives of such suspects, without any judicial review (*see* Section 1.g.). During the year, according to Israeli human rights organization B'tselem, Israeli forces demolished 112 homes as punishment for terror activity.

The IDF destroyed numerous citrus orchards, olive and date groves, and irrigation systems on Palestinian-owned agricultural land in both the West Bank and Gaza. The IDF destroyed these groves or orchards for security reasons, stating that Palestinians had been shooting from those areas. Israel claimed that since the beginning of the Intifada it destroyed 5,500 dunams (1,223 acres) of orchards in Gaza and 4,500 dunams (1,000 acres) of cultivated and uncultivated land. However, the Palestinian Centre for Human Rights estimated that Israel razed 16,000 dunams (3,558 acres) of land in that period. The separation wall that Israel began to build this year in the West Bank was expected to divide 6,000 dunams of land from its Palestinian owners. Israel claimed that Regulation 119 of the Defence Emergency Regulations passed under the British mandate allows military commanders to destroy homes and property without judicial review if they suspect that they have been used for violent purposes.

The PA required the Attorney General to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements. Police searched homes without the consent of their owners. In some cases, police forcibly entered premises and destroyed property.

PA security forces at times detained or placed under house arrest the relatives of alleged security criminals. For example, in 2001 the PA arrested and detained two brothers of the suspects in the killing of the Israeli Tourism Minister. The PA released them during the year (*see* Section 1.d.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Israeli security forces often used excessive force against Palestinians and others, in contravention of their official rules of engagement (*see* Section 1.a.). In 2001 the IDF stated that its actions and its rules of engagement were based on a legal framework, that it followed a policy of restraint and proportionality, and that to the extent possible, it avoided harming civilians.

IDF regulations permitted the use of rubber-coated metal bullets and live ammunition only when the life of the soldier or another person imminently was threatened, and no other means of defense is available, to apprehend a fleeing person suspected of having committed a dangerous offense who did not respond to warning calls and shots, and to disperse a violent demonstration or riot. A response to a violent demonstration must be in clear escalatory stages—first tear gas—then warning shots in the air, then rubber-coated steel bullets. IDF Open-Fire Regulations stated that, in apprehending a fleeing suspect, soldiers were to direct fire at the suspect's legs only. Soldiers were not permitted to fire at persons suspected of having committed only minor offenses, such as refusal to identify themselves or fleeing from security forces. Regulations prohibited security force members from opening fire in the direction of children or women, even in the case of severe public disorder, unless there is an immediate and obvious danger to a soldier's life. Firing on a suspicious vehicle at a checkpoint was permitted only when the soldiers at the site are in a clearly life-threatening situation.

The IDF killed or injured Palestinians or others in non life-threatening situations. IDF forces used lethal force against Palestinians throwing stones, even though IDF data indicated that there were no known cases in which an Israeli soldier on duty had ever been killed by stone-throwing during the Intifada (*see* Section 1.a.).

IDF fire killed or injured a number of innocent bystanders, including journalists and Palestinian civilians, when they fired into crowds at demonstrations (*see* Sections 1.a. and 2.a.). Palestinian medical groups estimated that approximately 10 percent of the injuries will result in permanent disabilities, and another 10 percent will require medical rehabilitation (*see* Section 5).

Israel obstructed the movement of and occasionally fired upon medical personal and ambulances. During the year, the PRCS stated that IDF soldiers and settlers committed 44 attacks against PRCS ambulances. The PRCS also reported that IDF soldiers and Israeli settlers injured 63 PRCS emergency personnel in attacks. The Government of Israel stated that it has ordered soldiers to refrain from interfering with the provision of medical services, and to allow ambulances and medical personnel to pass through checkpoints, and had provided this information to soldiers. The Government of Israel further stated that Palestinians had used ambulances to transport arms, and that soldiers must balance these security considerations with humanitarian concerns.

On January 27, a female Palestinian paramedic employed by the PRCS carried out a suicide bombing in central Jerusalem, killing herself and 1 Israeli while injur-

ing more than 100 others. It was not known whether she used her credentials as a paramedic to aid her access into Israel.

On March 4, an Israeli tank fired on a PCRS Ambulance in Jenin, killing the local head of the Emergency Medical Service.

On March 27, IDF soldiers stopped a PRCS Ambulance south of Ramallah and reported finding a wanted man and an explosive belt inside the vehicle. PRCS officials claimed the belt was planted in the ambulance.

During the Intifada, the IDF also used excessive force in responding to a number of incidents at checkpoints (*see* Section 1.a.).

Israeli soldiers placed Palestinian civilians in danger by ordering them to facilitate military operations, which exposed them to live fire between armed Palestinians and Israeli soldiers. Since the beginning of the Intifada, IDF soldiers have ordered Palestinian civilians to enter buildings to check whether they were booby-trapped; to expel their occupants; to remove suspicious objects from the road; and to walk in front of soldiers to protect them from gunfire. For example, IDF officials acknowledged that on August 14, IDF soldiers in the West Bank village of Tubas forced 17-year-old Palestinian Nidal Abu M'khisan at gunpoint to approach a house containing a suspected terrorist and demand him to surrender. The Palestinian, Nasser Jarrar, subsequently shot and killed M'khisan, apparently thinking he was an IDF soldier. In August seven human rights organizations, including B'tselem, petitioned the Israeli High Court of Justice and obtained an injunction against the use of Palestinians as "shields" for Israeli forces. Israel admitted the use of such practices, in violation of existing procedures, and reiterated that IDF forces "are absolutely forbidden to use civilians of any kind as a means of 'living shield' against gunfire or attack by the Palestinian side, or as 'hostages.'" However, B'tselem reported that IDF soldiers instead could employ the "neighbor procedure," using consenting civilians to enter homes and buildings ahead of soldiers. Israel claimed that Palestinians who agreed without coercion to enter homes for the IDF were not being exploited. Human rights groups asserted that Palestinians who agreed to assist such operations often did so out of fear of the soldiers even if they are not directly coerced. Palestinians who took part in such operations without being harmed still faced the risk of being branded as collaborators and risked being attacked by other Palestinians.

Israel also placed civilians in danger by occupying Palestinian homes and using them as military bases, including at times, during operations designed to eliminate terrorist infrastructure. The occupation of the home turns it into a military target, and forcing residents to remain inside puts them in unnecessary danger. For example, on January 21 IDF forces raiding Tulkarm took over the house of Ali Tawfiq al-Shurati, made it a military position, and locked Ali's wife and five children in a ground floor apartment for 24 hours.

The IDF fired tank rounds, as well as rockets from helicopters and military aircraft, on targets in cities and towns in the West Bank and Gaza during operations undertaken in response to attacks on Israeli soldiers, settlers and other civilians (*see* Section 1.a.).

Israeli forces demolished the homes of the families and relatives of those convicted of or suspected of committing terror attacks, effectively punishing innocent Palestinians not implicated in the attacks. Israel's demolitions left hundreds of Palestinians not directly implicated in the attacks homeless. During the year, Israel demolished 114 Palestinian homes, compared to 8 in 2001. The numbers of such demolitions increased as Israel re-occupied areas previously under exclusive PA control and gained access to such homes.

Israel's extensive curfews on Palestinian towns punished entire innocent populations. During the year, Israel demolished 114 Palestinian homes, compared to 8 in 2001. Israel's demolitions left hundreds of Palestinians not involved in terror attacks homeless. The curfews affected every aspect of life for Palestinians, damaging livelihood and causing food shortages. During Operation Defensive Shield in March and April, 800,000 Palestinians were prevented from leaving their homes for 2 weeks. The village of al-Walaja remained under constant curfew from April 2 to May 10. During the start of Operation Determined Path, which was ongoing at the end of the year, extensive curfews were still in place. For example, the city of Nablus was under curfew for 96.5 percent of time from June 18 to September, according to a report by the World Bank. All major Palestinian cities were also under curfew at varying times during this period. Qalqilya, which experienced the least curfew hours of major Palestinian cities during this period, was under curfew for 40.2 percent of the time. The Israeli government's sustained imposition of internal and external closures and curfews in the West Bank and Gaza during the year severely impacted Palestinian society and economy, contributing to shortages of basic food, water, and the provision of medical care and supplies.

The external and internal closures contributed to increased unemployment and poverty in the occupied territories. Approximately 125,000 West Bank and Gaza workers, representing roughly 20 percent of the Palestinian work force, depended on day jobs in Israel, Israeli settlements, and Jerusalem. The closures on Palestinian cities and towns also impeded Palestinians from reaching jobs or markets in the occupied territories and disrupted internal and external trade. Closures and the destruction of large swathes of Palestinian-owned agricultural land and economic infrastructure by the IDF and settlers, contributed to an adjusted unemployment rate of approximately 44 percent. Closures particularly isolated and hurt the roughly 200,000 Palestinians who lived in rural villages. Rural villages rarely were self-sustaining communities and did not have the full range of services—such as medical care, education, or municipal provision of water—that larger urban areas had, increasing their isolation when community members were not able to travel outside the area to obtain access to services and provisions. Other rural villages under full Israeli control were further isolated from major Palestinian population centers.

The ICRC and various medical organizations stated that the prolonged closure of Palestinian cities significantly obstructed the delivery of medical care and prevented patients from passing through checkpoints, in some cases even when urgent treatment was critical to life and death. Since the beginning of the Intifada at least 34 persons died as a result of delays in, or prohibition from, crossing checkpoints to reach medical care. During the year, 12 died because of such delays. The closures made it impossible for most patients living outside large cities who need repeated medical treatment, such as dialysis or physical therapy, to reach medical centers on a regular basis. The PRCS stated that more than one-third of Palestinians who were injured in the Intifada required some type of physical rehabilitation and at least ten percent have permanent disabilities. Medical professionals noted that many Palestinians delayed all but emergency medical care because of the restrictions and economic conditions. Preventative treatment, such as vaccinations, antenatal and postnatal care, and family planning in most cases were postponed; and the number of births at home, in ambulances, and at checkpoints increased significantly. Medical observers noted that as the Intifada continued, the negative consequences would continue to have a significant impact on public health.

On January 21, Ra'ed Sabri Ibrahim Sruji, a 46-year-old Palestinian from the Tulkarm refugee camp and a diabetes patient suffering from kidney failure, was on his way to the hospital in Nablus when the ambulance he was in was detained at the Deir Sharaf checkpoint for 3 hours. He died due to lack of prompt treatment.

Closures and curfews also have affected the provision of emergency medical care. Israeli security services stopped and searched all ambulances at each checkpoint, which frequently added life-threatening delays in reaching hospitals, due to the fact that some had to use substandard local roads when denied access through any of the checkpoints. Israeli security forces often impeded the provision of medical assistance to Palestinian civilians by strict enforcement of internal closures, which contributed to at least 14 deaths. The PCRS reported that its average response time to emergency calls in "outer city" areas is 40 to 50 minutes, compared to a past average of 10–15 minutes. The PRCS also reported that Israel denied it access to outer city areas altogether 70 percent of the time.

Israeli soldiers frequently harassed and abused Palestinian emergency services staff at the checkpoints (*see* Section 1.c.). The closures also significantly impeded the ability of medical staff to reach work.

Israel regularly transferred Palestinians arrested in the occupied territories to prisons and detention facilities in Israel (*see* Section 1.d.).

Palestinian terrorist groups used minors to prepare attacks or carry them out. These youths were recruited to throw pipe bombs, plant explosives, and carry out suicide attacks.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Israeli government generally respected freedom of speech in some areas in the occupied territories; however, it imposed censorship and prohibited public expressions of anti-Israeli sentiment and of support for Islamic extremist groups. Three journalists covering clashes between Palestinians and Israeli security forces, including some who were clearly identified as noncombatants, were killed by IDF fire and at least five others were injured. IDF soldiers routinely harassed and occasionally detained Palestinian and other journalists covering stories in the West Bank and Gaza. Israel frequently denied journalists travel permits and revoked or delayed issuing press credentials, all of which amounted to de facto censorship. The IDF moderately to extensively damaged radio and television stations and newspaper offices in Ramallah during the Israeli incursion in March and April. During the year, Israel raided a newspaper's premises.

During the year, the Israeli government continued to enforce selectively its standing prohibition on the display in Jerusalem of Palestinian political symbols, such as flags, national colors, and graffiti. Such displays were punishable by fines or imprisonment. Israeli enforcement of existing censorship regulations remained stringent regarding press coverage of the Intifada. Israeli authorities monitored Arabic newspapers based in East Jerusalem for security-related issues, and newspapers sometimes were ordered to halt publication of stories about the security situation until the information first appeared in the Israeli media. Military censors reviewed Arabic publications for material related to the public order and security of Israel. Reports by foreign journalists were subject to review by Israeli military censors for security issues, and the satellite feed used by many foreign journalists was monitored. In periods of heightened security, the Israeli government often closed areas to journalists when it imposed a curfew or closure. Israeli authorities denied entry permits to Palestinian journalists traveling to their place of employment in Jerusalem during closures of the territories, and the journalists had difficulty renewing their Israeli issued press credentials (*see* Section 2.d.).

The IDF required a permit for Palestinian publications sold in areas of the occupied territories under its control. Publications may be censored or banned for content considered anti-Semitic or anti-Israeli. Possession of banned materials was punishable by a fine and imprisonment. The Israeli government prohibited the delivery and distribution of publications, including newspapers, in the Gaza Strip on the Jewish holiday of Yom Kippur (when import of any item is prohibited) and on numerous other occasions when the closure of the Gaza Strip was particularly tight. On several occasions during the year, usually following terrorist incidents, the Israelis banned Palestinian daily newspapers from entering Gaza. However, during such periods, Israeli newspapers were allowed into Gaza. During internal closures, the Israeli government also occasionally blocked the delivery of Palestinian daily newspapers to Palestinian cities in the West Bank.

Israeli soldiers sought out and destroyed Palestinian media outlets during operations in the West Bank. Most local Palestinian radio and television stations went off the air or scaled back their broadcasts because of damage done by the Israeli army. On January 19, the IDF detonated explosives in the main building of the Palestinian Broadcasting Corporation (PBC) in Ramallah, severely damaging the building and destroying equipment. The Israeli government singled out PBC for broadcasting material deemed to be anti-Semitic or that incited violence. On April 2, Israeli soldiers took over the building housing al-Quds Educational Television in Ramallah and occupied it for 20 days, during which they destroyed a studio, cameras, computers, videos and satellite receivers, and sprayed graffiti on the walls.

Israel also harassed Palestinian media organizations. In April IDF soldiers occupied the broadcasting station of a Palestinian cable outlet in Ramallah, interrupted its broadcasting, and transmitted pornography to area residents. On October 6, Israeli forces raided the facilities of al-Ayyam newspaper in Ramallah. The newspaper reported that Israeli forces stormed the building after midnight, forced all employees into one room and searched the premises for 2 hours.

During the year, three journalists were killed. On March 13, Israeli gunfire killed Raffaele Ciriello, special correspondent in Ramallah of the Italian daily Corriere della Sera. On July 12, in Jenin, Israeli gunfire killed Palestinian photographer Imad Abu Zarha. On August 23, the Israeli army denied all responsibility, stating that there was no proof of any firing at the journalists. Journalist and press groups rejected Israeli claims. On September 21, Voice of Palestine journalist Issam Hamza Tillawi was shot in the back of the head as he was reporting on a Palestinian demonstration in Ramallah.

On September 25, the Paris-based organization Reporters Sans Frontieres (RSF) released a statement expressing concern over journalists injured by Israeli forces. The organization noted 46 cases of journalists who had been injured by gunfire, nearly all from Israeli sources since the beginning of the Intifada. Several of those shot, mostly Palestinians, were seriously injured, even though some were clearly identifiable as journalists and standing apart from clashes when hit (*see* Section 1.g.).

Israel confiscated journalists' press cards and equipment on several occasions. On April 6, Israeli authorities deported Jasim Azzawi of Abu Dhabi Television, who was on a special assignment. Azzawi, who is an American citizen, filed an affidavit on April 4 at the U.S. Consulate in Jerusalem stating that he was summoned to the Israeli government Press Office and was told that the Prime Minister's office decided to revoke his press credentials and expel him for alleged inflammatory reporting. On April 9, Israeli troops in Bethlehem threatened TV Tokyo reporter Yuzuru Saito and confiscated a tape from his cameraman and from French cameraman Vincent Benhamou.

On several occasions, Israel detained and questioned journalists. On April 24, Israeli troops in the West Bank detained Reuters cameraman Mazen Da'na and Hussam Abu Allan, a photographer for Agence-France Presse.

The PA restricted freedom of speech and freedom of the press. During the year, the PA limited free expression, particularly regarding human rights and alleged security issues. Press freedom is subject to a 1995 press law that does not protect the press adequately. PA security services closed media outlets, banned publications or broadcasts, and periodically harassed or detained members of the media (*see* Section 1.d.). Palestinian commentators and human rights groups stated that, as a result, journalists practiced self-censorship.

On August 27, the PA supported the Palestinian Journalists' Syndicate in the Gaza Strip to bar journalists from photographing Palestinian children wearing military uniforms and carrying weapons.

On April 1, Palestinians threatened journalists working for the Associated Press, Reuters, and Palestine TV in Bethlehem and forced them to hand over footage, shot the night before, of the body of an alleged Palestinian collaborator who had been shot in a parking lot.

There were three Palestinian dailies and several Palestinian weekly newspapers. There also were several monthly magazines and three tabloids.

In addition to the official Palestinian Broadcast Corporation television and radio, also known as Voice of Palestine, there were approximately 20 independently owned televisions stations and 9 radio stations in the West Bank.

The Internet was available widely.

Israeli-imposed closures, curfews, and military actions severely restricted academic freedom by disrupting the operations of West Bank and Gaza schools, colleges, and universities during the year. Students and staff at all educational levels had difficulty traveling to and from educational facilities because most areas were under some form of internal closure for the entire year. In addition, Israeli forces imposed curfews on many Palestinian areas, some for 24 hours a day, for extended periods (*see* Sections 2.d. and 5). Students from Gaza were unable to reach West Bank universities since early October 2000, when Israel closed the safe passage route between Gaza and the West Bank. Both Bir Zeit University in Ramallah and An-Najah University in Nablus were unable to open for the fall semester: Bir Zeit due in large part to a roadblock preventing access to the school, and An-Najah due to an almost continuous curfew in Nablus since midsummer. Israeli shelling and gunfire during military operations consequently damaged a number of schools in the West Bank and Gaza.

In March, the IDF relocated a roadblock in al-Khader village blocking access to the Hope Flowers School. Hope Flowers was the only Palestinian school in the West Bank that employed a curriculum emphasizing democracy and coexistence. After repeated requests by foreign governments and other interested parties, Israel repositioned the roadblock to facilitate access to the school. The sniper position that overlooked the roadblock remained in place at year's end.

The PA generally had authority over all levels of education in the West Bank and Gaza Strip, and it controlled the budgets of all public colleges. During the year, the PA did not interfere with education in the West Bank and Gaza Strip.

b. Freedom of Peaceful Assembly and Association.—The Israeli government placed severe limits on freedom of assembly for Palestinians in the occupied territories, largely through the imposition of internal closures and curfews (*see* Section 2.d.). Israeli military orders banned public gatherings of 10 or more persons without a permit. After the 1993 signing of the Declaration of Principles, Israel relaxed enforcement of this rule, except in cases of Palestinian demonstrations against land seizures or settlement expansions. However, extensive curfews during the year made assembly of any kind impossible in most major Palestinian cities. Those Palestinians who chose to take part in even peaceful demonstrations often did so only by breaking curfew restrictions and IDF prohibitions against demonstrations.

Israeli security forces killed scores of Palestinians and injured several thousand during demonstrations and other often violent clashes (*see* Sections 1.a. and 1.c.). The Israeli and Palestinian authorities regularly disputed whether Palestinians fired at security forces during such demonstrations. The PA and individual Palestinians stated that Israeli security forces often resorted to live fire even when Palestinian did not shoot at them first. In 2001 the IDF changed its definition of "life-threatening" situations to include stone-throwing in some cases.

The PA imposed some formal limits on freedom of assembly; however, while it required permits for rallies, demonstrations, and large cultural events, these permits rarely were denied. In Gaza police approval was required for political meetings at several specific large meeting halls. Written permission also was required for buses to transport passengers to attend political meetings. In West Bank cities, the PA

required permits for outdoor rallies and demonstrations and prohibited calls for violence, displays of arms, and racist slogans, although this rarely was enforced.

The Israeli government placed severe restrictions on freedom of association in East Jerusalem. In 2001 Israeli forces closed Orient House, the preeminent Palestinian political institution in Jerusalem, and consequently other East Jerusalem institutions located in Orient House, including: The Chamber of Commerce, the Land Research Center, the Higher Council for Tourism, a women's center, a prisoner's rights society, and a historical preservation group. The Israeli police arrested a number of Palestinians and foreign nationals during protests calling for the reopening of Orient House. The closings were part of the Government's response to a suicide bombing in Jerusalem; the Government stated that it closed Orient House because it was engaged in political activity in violation of the Interim Agreement. At year's end, Orient House remained closed.

On February 6, the Israeli police closed the Multi-Sectoral Review Project, an EU-funded project dedicated to surveying development needs in East Jerusalem. Israel claimed that the project was linked to the PA, which was not permitted a presence in East Jerusalem under the terms of the Oslo Agreement. The same day, police closed the Land Research Center. On June 5, the police closed the East Jerusalem offices of the Federation of Palestinian Chambers of Commerce. On July 9, police closed the office of Al-Quds University President Sari Nusseibeh; Nusseibeh was able to reopen his office a few days later after signing a pledge to not use his office for activities relating to his separate role as PLO Political Commissioner for Jerusalem Affairs. On September 20, the Israeli police closed the offices of the Jerusalem Cultural Association and the Union of Sports Clubs.

The PA placed some limits on freedom of association; however, the PA permitted Palestinian charitable, community, professional, and self-help organizations to operate.

The armed wings of HAMAS, PIJ, and other Palestinian opposition groups remained outlawed. While it was not illegal to belong to other components of these groups, during times of heightened security, the PA detained members of these other components (*see* Section 1.d.).

c. Freedom of Religion.—Israeli law provides for freedom of worship, and the Government generally respected this right in practice in the occupied territories. Israel did not ban any group on religious grounds, and permitted all faiths to operate schools and institutions.

Religious publications in East Jerusalem were subject to the Publications Laws, including prohibition against the publication of sermons that incite violence against Israelis or against the State of Israel. However, Israel's imposed closure of the West Bank and Gaza, including the internal closure that severely restricted travel between towns and cities within the occupied territories, significantly impeded freedom of worship for Muslims and Christians. Israeli closure policies prevented tens of thousands of Palestinians from reaching their places of worship in Jerusalem and the West Bank, including during religious holidays such as Ramadan, Christmas, and Easter. On numerous occasions, the Israeli government prevented worshippers under the age of 45 from attending Friday prayers inside the Haram al-Sharif. The Israeli government stated that such actions were necessary for security reasons.

During the year, the Government of Israel's continued closure policy prevented a number of Palestinian religious leaders (both Muslim and Christian) from reaching their congregations. In March 2001, the Israeli government pledged to create a "hot line" to facilitate the movement of clerics through checkpoints; however, at year's end, it had not done so. In previous years, several clergymen reported that they were subject to harassment at checkpoints.

The PA has no law that specifically protects religious freedom; however, the PA generally respected religious freedom in practice.

The PA required individuals to be at least nominally affiliated with some religion. Religion must be declared on identification papers, and all personal status legal matters must be handled in either Shari'a or Christian ecclesiastical courts. Islam is the de facto official religion of the PA, and its Islamic institutions and places of worship received preferential treatment. The PA had a Ministry of Waqf and Religious Affairs that paid for the construction and maintenance of mosques and the salaries of many Palestinian imams. The Ministry also provided some Christian clergymen and Christian charitable organizations with limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied territories.

The PA required that religion be taught in PA schools. There were separate classes for Muslim and Christian students. In 2001 the PA implemented a compulsory curriculum that required the study of Christianity for Christian students in grades one through six.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation.—During the year, the Israeli government severely restricted freedom of movement for Palestinians, in response to the continuing violence of the Intifada. During the year, most Palestinians from the West Bank and Gaza were prohibited from entering Israel, and the IDF instituted a massive network of checkpoints and roadblocks across the occupied territories, which impeded the movement of people and goods between Palestinian cities, villages, and towns. Numerous cities were placed under strict curfews that ran for weeks and even months. During the year, the restrictions on movement were the most severe that Israel had imposed since it occupied East Jerusalem, the West Bank, and Gaza in 1967.

Since March 1993, Israel has required that all West Bank and Gaza residents obtain permits to enter Israel and Jerusalem. However, Israel often denied applicants permits with no explanation and did not allow effective means of appeal. Palestinian officials with VIP passes, including PA cabinet officials and members of the Palestinian Council, regularly have been subjected to long delays and searches at Israeli checkpoints in the West Bank, despite the fact that they were traveling on special passes issued by the Israeli government. During the year, this practice increased markedly, severely restricting PA officials from conducting administrative functions and implementing reform.

Even in periods before the Intifada, Palestinians in the West Bank and Gaza Strip found it difficult to obtain permits to work, visit, study, or obtain medical care in Israel. Israeli authorities permitted only a small number of Gazans to bring vehicles into Israel and sometimes did not permit West Bank vehicles to enter Jerusalem or Israel. Except for senior PA officials, Palestinians of all ages crossing between the Gaza Strip and Israel were not permitted to travel by automobile across the main checkpoint. Instead they were forced to travel along a narrow walkway almost a mile long. Israelis moving into and out of the Gaza Strip were permitted to use their automobile. Israeli regulations prohibited Palestinian residents of Jerusalem from entering the West Bank, although this ban only intermittently was enforced. Israeli authorities also required that these Palestinian residents provide written notice to the Israeli government if they intended to travel to the Gaza Strip; however, provision of such notice did not ensure that the Government would permit the travel.

Since 1993 Israel applied varying levels of "closure," or enhanced restrictions, on the movement of Palestinians and their goods, often for lengthy periods, in response to Palestinian terrorist attacks and other changing security conditions. The Government of Israel imposed a tightened version of closure, called "comprehensive, external closure" during periods of violent protest in the West Bank or Gaza, or when it believed that there was an increased likelihood of such unrest. Comprehensive closures also were instituted regularly during major Israeli holidays and during some Muslim holidays. During such closures, the Israel government cancelled travel permits and prevented Palestinians—even those with valid work permits—from entering Israel or Jerusalem. During comprehensive closures, the authorities severely restricted the movement of goods between Israel and the occupied territories and between the West Bank and Gaza. Due to the ongoing unrest, Israel imposed strict and consistent external closure throughout the year, compared with 210 days in 2001 and 88 days in 2000.

During periods of unrest in the West Bank and Gaza, in the aftermath of terrorist attacks, or during military exercises, the Israeli government prohibited travel between towns and villages within the West Bank. These "internal" closures cut off the flow of goods, including food and fuel, and restricted the movement of persons. During the year, Israel expanded internal closures further, sometimes in response to specific acts of violence and sometimes as a preventive measure imposed on entire cities and towns. The internal closures were even more severe when Palestinians were prohibited from using primary roads and physical barricades close off many secondary roads.

The Israeli government further constrained the movement of Palestinians and goods in the West Bank and Gaza by imposing total closures on specific areas or villages, sometimes for weeks at a time, and by intermittently closing the Gaza Airport and the Allenby and Rafah crossing points to Jordan and Egypt. Israel also consistently imposed curfews in some areas, often for extended periods. During the curfews, Palestinians generally were confined to their homes for all but a few hours per week during which they were allowed to buy food and other provisions.

The prolonged closures and curfews imposed by the Government of Israel on Palestinian cities and towns during the year had a severely negative impact on every

sector of the Palestinian economy. They impeded Palestinians from reaching jobs or markets and disrupted internal and external trade (*see* Section 1.g.).

The prolonged closure also seriously impacted students' ability to attend school and university (*see* Sections 2.a. and 5.). The Government of Israel stated that they were necessary security measures (*see* Section 1.g.).

Israel carried out policies of strict curfews and closures that directly punished innocent civilians. The IDF delayed or prohibited ambulances from crossing checkpoints (*see* Section 1.g.). In 1998 the Israeli government established a "continuous employment program" that allowed selected Palestinian workers who were approved by the Ministry of Defense, married, over 28-years-old, and worked in Israel for a long period of time, to enter Israel to work even in the event of a tightened closure. During the year, the program was not implemented.

The Israeli government required all Palestinian residents to obtain permits for foreign travel and restricted the travel of some political activists. Bridge-crossing permits to Jordan may be obtained at post offices without a screening process.

Palestinians who live in East Jerusalem, which Israel occupied during the 1967 War, generally have chosen not to accept Israeli citizenship, choosing instead to seek a residence permit or Jerusalem identification card. Israel applied the 1952 Law of Permanent Residency and its 1974 amendments to Jerusalem identification card holders. The law stipulates that a Jerusalem resident loses the right of residence if he or she leaves Israeli territory for more than 7 years, acquires the nationality of another country, or acquires permanent residence in another country. Such persons are permitted to return only as tourists and sometimes are denied entry. The Government of Israel government does not apply these same restrictions to Israeli citizens.

In 2000 the Israeli Ministry of Interior published new instructions regarding residency rights in Jerusalem. According to these instructions, residents of Israel whose identity cards had been revoked since 1995 and who returned to live in Israel since 1998 and had maintained "an appropriate connection" were entitled to restoration of their identity cards. Although the new guidelines still permitted the revocation of residency in cases in which East Jerusalem Palestinians obtained new citizenship or residency rights while living abroad, human rights groups reported a significant reduction in such revocations.

Israeli authorities also placed restrictions on family reunification. Most Palestinians who were abroad before or during the 1967 War, or who lost their residence permits for other reasons since then, were not permitted to reside permanently with their families in Jerusalem or the occupied territories. Foreign-born spouses and children of Palestinian residents also experienced difficulty in obtaining permission to reside with their family members. For example, a Palestinian with a West Bank identification card must apply to the Government of Israel for permission to live with his or her Jerusalem-resident spouse in Jerusalem. In May the Israeli Knesset declared a freeze on providing residency permits. At year's end, the freeze remained in effect. Palestinians reported delays of several years or more before spouses were granted residency permits. The Government of Israel occasionally issued limited-duration permits, which must be renewed. Renewing the permits may take up to 8 months, a common delay that resulted in many Palestinians falling out of status. Palestinians also reported extensive delays in registering newborn children with Israeli authorities. In practice women with Jerusalem residence rights found it more difficult to obtain permission for their spouses to reside in Jerusalem than did men, since Israeli security authorities considered Palestinian males to be greater security risks.

The PA issued passports and identification cards for Palestinians who resided in the West Bank and Gaza, and the Israeli government required residents of the West Bank and Gaza to use their Palestinian passports to exit and enter Israel. Bearers of Palestinian passports did not need special exit permits from the PA; however, when leaving the area via Ben Gurion Airport, the Israeli government required Palestinians to obtain permits to transit Israel to reach the airport. Since 2001 Israeli authorities rarely granted these requests except in humanitarian or special interest cases. Without this permit, travelers must depart via land crossings and may experience delays lasting days or weeks. Palestinian residents of the West Bank and Gaza were prohibited from using the Sheikh Hussein or Arava crossings. As a result, most Palestinians could exit and enter the West Bank and Gaza only via the Allenby Bridge or Rafah crossing points, which were closed completely several times during the year. Internal closures made it difficult for Palestinians to reach even these crossing points and begin the wait at the border.

Palestinians who held Jerusalem identification cards, issued by the Israeli government, must obtain special travel documents from the Israeli government to travel abroad. Human rights groups reported that Palestinian residents of East Jerusalem

often did not apply for Israeli travel documents because they feared that the application might prompt a reexamination of their residency status and lead to the revocation of their identity cards.

Upon request the Jordanian government also issued travel documents to Palestinians in the West Bank and East Jerusalem. Palestinians who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. The Israeli authorities also required that Palestinians from East Jerusalem obtain a special permit to cross the Allenby Bridge, which they must purchase from the Ministry of Interior. Restrictions on residency, reentry, and family reunification only applied to Palestinian residents of the occupied territories.

The PA generally did not restrict freedom of movement.

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

In 1996 Palestinian residents of the West Bank, Gaza Strip, and East Jerusalem chose their first popularly elected government in elections that generally were free and fair; the 88-member Palestinian Legislative Council and Chairman of the Executive Authority were elected. PLO Chairman Yasir Arafat won almost 89 percent of the vote in a two-person race for Chairman. Approximately 700 candidates competed for Council seats. Voters elected Council members to multimember electoral districts. As many as 35 of the elected members were independent candidates. International observers concluded that the election could reasonably be regarded as generally free and fair, despite some irregularities. During the year, the Council debated numerous draft laws and resolutions. Some members of the Council stated that it lacked power in relation to the executive branch. In September Arafat issued a decree setting January 20, 2003 as the date for elections for Ra'is and the Legislative Council.

The last municipal elections in the West Bank and Gaza took place in 1996, and in September PA officials announced that new elections will be held in March 2003. Incumbent municipal officials serve until the following elections. In the case of the death or resignation of an incumbent, the Ministry of Local government appoints a replacement, with the approval of the PA Chairman.

Most Palestinians in East Jerusalem do not recognize the jurisdiction of the Israeli municipality of Jerusalem. While all Palestinians with residency permits are eligible, only a very small percentage of Jerusalem's Palestinian population voted in the municipal council elections. There were no Palestinian residents of Jerusalem on the city council. There were 5 women on the 88-member Council, and 1 woman served in a ministerial-level position.

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

During the year, Israel obstructed the movement and activity of human rights monitors and NGO workers by imposing strict internal and external closures. In many cases, such groups refused to apply for special travel permits in order to protest Israel's regulation of their activities. Israeli, Palestinian, and international humanitarian and human rights NGOs monitored the Israeli government's human rights practices in the occupied territories. Some of these organizations were critical of the Israeli government's practices and cooperation. The Israeli government permitted human rights groups to publish and hold press conferences.

The U.N. Relief and Works Agency (UNRWA) reported increased delays for its personnel and vehicles at checkpoints. Other humanitarian groups, such as PRCS, faced similar problems.

During their 2001 seizure of the Orient House, Israeli security officials confiscated office equipment, as well as documents belonging to the organization and other Palestinian groups in Jerusalem. At year's end, the Government of Israel still had not provided representatives of the Orient House a full accounting of the documents and property seized and Orient House remained closed (*see* Section 2.b.).

Local human rights groups, most of which were Palestinian, and several international organizations monitored the PA's human rights practices. PA officials usually met with their representatives. Public criticism from these groups has been somewhat less forthcoming since the outbreak of the Intifada, with several NGOs voluntarily deciding to focus their efforts on the Palestinian struggle for basic rights and defer comprehensive critiques of the PA's human rights performance. During the year, human rights organizations reported that they sometimes were denied access to detainees in Palestinian prisons during the year (*see* Section 1.d.). Observers noted that documentation of abuses was very limited because victims were hesitant to file or make public claims of abuse against PA authorities.

From April 27 to May 6, the Government of Israel permitted the International Labor Organization (ILO) to visit the occupied territories, in a period of heightened tension, to assess worker rights and the economic situation. The ILO released a report documenting the "socioeconomic meltdown" in the occupied territories and the humanitarian and economic crisis of the Palestinians as a result of Israeli closures, curfews, and military actions. The report also emphasized the sense of "insecurity in Israel due to suicide bombings" and the impact on the Israeli economy.

Some PA security organizations, including the General Intelligence Organization in the West Bank and the police, appointed officials to act as liaisons with human rights groups. These officers met with human rights organizations and members of the diplomatic community to discuss human rights cases.

The ICRC operated in the West Bank and Gaza under the terms of 1996 memorandum of understanding between the ICRC and the PLO. Other human rights groups, including the Palestinian Independent Commission for Citizens' Rights and the Mandela Institute, regularly visited PA prisons and detention centers. During the year, some human rights and international humanitarian organizations reported that they occasionally encountered delays in obtaining access to detainees in Palestinian prisons. PA officials reportedly were less responsive to queries regarding the PA's policies toward and treatment of collaborators and members of Islamist opposition groups than to queries on other detainees (*see* Sections 1.c. and 1.d.).

In 2000 Chairman Arafat approved the NGO law, which had been passed by the PLC in 1998, and which governs the activities of NGOs and their relations with the PA. The PA issued registration certificates for 150 of the approximately 350 new and existing NGOs that submitted applications. The remaining applications still were under review at year's end. In a June government reshuffle, the PA Ministry of NGOs was downgraded to an agency (*see* Section 2.d.).

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

Under the complex mixture of laws and regulations that apply to the occupied territories, Palestinians were disadvantaged under Israeli law and practices compared with the treatment received by Israeli settlers. This included discrimination in residency and land use.

In the Palestinian territories, homosexuals were persecuted by both the public and by PA security officers. Homosexuals were subject to harassment and physical abuse, and some were arrested. Several Palestinians alleged that PA security officers tortured them because of their sexual orientation.

Women.—The law does not explicitly prohibit domestic violence, but assault and battery are crimes. There were reports indicating that domestic violence increased during the Intifada.

The problems of rape, domestic violence, and violence related to "family honor" gained greater attention in the Palestinian community as a result of a significant effort by Palestinian women's groups; however, public discussion generally remained muted. The crimes almost exclusively were tied to alleged sexual interactions of female family members with men who were not their husbands. This could include rape, a sexual encounter with any man except a woman's husband, or being seen alone with a male who was not her family member. Honor crimes resulted when family members beat or killed women in response to such alleged violations of their family's honor. Victims of violence often were encouraged by relatives to remain quiet and were punished themselves or blamed for the "shame" that had been brought upon them and their families. Women's groups sought to educate women on these problems, but women's rights advocates stated that few resources were available to shelter the victims of violence because women's shelters are not accepted culturally in Palestinian society. Activists also maintained that society was not receptive to providing counseling or outreach services to victims of violence, which these advocates saw as more widespread than was acknowledged. According to women's groups, there was no reliable data on the incidence of violence against women.

Spousal abuse, sexual abuse, and "honor killings" occurred, but societal pressures prevented most incidents from being reported and most cases were handled within the families concerned, usually by male family members. However, there were increasing anecdotal reports from women's and humanitarian groups that the incidence of domestic abuse rose significantly during the year.

Rape is illegal and spousal rape is not explicitly prohibited. During the year, there were no figures available regarding the extent of the problem.

Palestinian women endured various forms of social prejudice and repression within their own society. Due to early marriages, some girls, especially in rural areas, did not finish the mandatory level of schooling. Cultural restrictions occasionally prevented women from attending colleges and universities. Women who married outside of their faith, particularly Christian women who married Muslim men, often

were disowned by their families and sometimes were harassed and threatened with death by members of their community. Local officials sometimes attempted to convince such women to leave their communities in order to protect themselves.

Before the Intifada began in 2000, a growing number of Palestinian women worked outside the home, where they often encountered discrimination and occasionally experienced sexual harassment. There were no special laws that provide for women's rights in the workplace. Women were underrepresented in most aspects of professional life. Despite the fact that there is a small group of women who were prominent in politics, medicine, law, teaching, and NGOs, women for the most part were seriously underrepresented in the decision-making positions in these fields.

Personal status law for Palestinians is based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a (Islamic law). The varied ecclesiastical courts ruled on personal status issues for Christians. In the West Bank and Gaza, Shari'a pertaining to women is part of the Jordanian Status Law of 1976, which includes inheritance and marriage laws. Under the law, women inherit less than male members of the family. The marriage law allows men to take more than one wife, although few did so. Women were permitted to make "stipulations" in the marriage contract to protect them in the event of divorce and questions of child custody; however, only an estimated 1 percent of women took advantage of this provision, leaving most women at a disadvantage in the areas of divorce or child custody. Ecclesiastical courts also often favored men over women in divorce and child custody cases.

While there was an active women's movement in the West Bank, serious attention has shifted only recently from nationalist aspirations to issues that greatly affected women, such as domestic violence, equal access to education and employment, and laws concerning marriage and inheritance.

Children.—The PA provides for compulsory education through the ninth grade, when children usually reach 15 years of age. However, early marriage in certain sectors of society at times prevented girls from completing the mandatory level of schooling. Especially in rural areas and refugee camps, boys often left school before they reached the mandatory age in order to help support their families.

The internal closure across the occupied territories and extended periods of curfew in most major cities significantly impeded the ability of both students and teachers to reach educational facilities (*see* Sections 2.a. and 2.d.). In areas under curfew, all classes were cancelled.

Numerous education and health care professionals acknowledged that students were badly affected by the violent security situation, which interfered with learning and manifested itself in lack of focus, nightmares, daytime and nighttime incontinence, and other behavioral problems. Closures and curfews impeded school attendance and UNRWA reported that 72,000 teacher workdays were lost in the 2001–02 academic year. UNWRA reported that test scores in its West Bank and Gaza schools dropped dramatically, and dropout rates rose for the first time in a decade.

The PA Ministry of Health provided for children's immunizations. The PA insurance program provided basic medical care for children, for a small monthly fee.

Child abuse is not prohibited explicitly by law. Abuse existed but was not a widespread problem. Parents or families that failed to protect children from abuse may be penalized by law. PA courts may provide protections for children in "difficult situations," including cases of neglect or abuse. The Ministry of Social Affairs may intervene by bringing a case before a court, which would decide how to best protect the child. The judge may decide to place a child in an official protective institution, or with an alternate family. There was one protective institution for children in Gaza and one in the West Bank.

British Mandate, Jordanian, and military laws, from which West Bank and Gaza law is derived, offered protection to children under the Penal Code and a new Labor Code passed and published during the year. The new Labor Code set a higher minimum age for any employment of children. No children 14 or under can work, and children aged 15–18 could be employed only for certain types of work and under certain conditions (*see* Section 6.d.). While there was no juvenile court system, judges specializing in children's cases generally adjudicated on juvenile cases. In cases in which the child was the victim, judges had the discretion to remove the child from a situation considered harmful. However, the system was not sophisticated in the protection it afforded children.

Palestinians living in East Jerusalem continued to be discriminated against in terms of their access to municipal services, compared to other residents of Jerusalem. According to the Association for Civil Rights in Israel, the Government of Israel and the municipality have not kept their pledge to the High Court to build three new infant-care clinics in East Jerusalem. In addition East Jerusalem schools remained underfunded and overcrowded, and many students were denied an edu-

cation in public schools due to lack of space. In 2001 the Government agreed to build 245 new classrooms within the next 4 years in order to alleviate this problem; however, no funds were budgeted for that purpose. This year's budget included enough funds for 60 new classrooms.

International and domestic NGOs, including UNICEF, Save the Children, and Defense for Children International, promoted the rights and welfare of children in the occupied territories. There also were numerous Palestinian social welfare organizations that focused on developing and providing educational, medical, and cultural services to children. A number of other groups specialized in addressing the needs of children with disabilities.

Persons with Disabilities.—There was no mandated accessibility to public facilities in the occupied territories under either Israeli law or Palestinian authority. Many Palestinians with disabilities were segregated and isolated from Palestinian society; they were discriminated against in most spheres, including education, employment, transportation, and access to public buildings and facilities. There were approximately 130,000 Palestinians with disabilities in the West Bank and Gaza prior to the outbreak of the current Intifada. The Health, Development, Information, and Policy Institute estimated that one-tenth of the approximately 21,000 Palestinians injured in the Intifada will have permanent disabilities.

Some Palestinian institutions cared for and trained persons with disabilities; however, their efforts consistently were under-funded.

Section 6. Worker Rights

a. The Right of Association.—Labor affairs in the West Bank and Gaza came under Palestinian responsibility with the signing of the Interim Agreement in September 1995. During the year, labor affairs in the West Bank were governed by Jordanian Law 21 of 1965, as amended by Israeli military orders, and in Gaza by PA decisions. In 2001 Arafat signed a labor law that took effect in January; however, it has faced strong resistance from the Palestinian business community. The Palestinian law permits workers to establish and join unions without government authorization. The previous Israeli requirement that all proposed West Bank unions apply for a permit no longer was enforced. Following a process to consolidate trade unions in the West Bank, there were 12 trade unions. Four trade unions were in Gaza. During the year, no unions were dissolved by administrative or legislative action.

Israeli labor law governs Palestinian workers in Jerusalem. They were free to establish their own unions. Although the Israeli government restricted unions in Jerusalem from joining West Bank trade union federations, this restriction was not enforced. Individual Palestinian workers in Jerusalem may belong simultaneously to unions affiliated with West Bank federations and the Israeli Histadrut Labor Federation.

West Bank unions were not affiliated with the Israeli Histadrut Federation. Palestinians from the West Bank and Gaza who worked in Israel or Jerusalem were not full members of Histadrut, but they were required to contribute 1 percent of their wages to Histadrut. Their partial membership entitled them to limited benefits, including compensation in the case of on-the-job injuries, maternity leave, and compensation in the case the employer declares bankruptcy. (Full members of Histadrut also received health insurance, social security benefits, pensions, and unemployment benefits.) Negotiations between Histadrut and West Bank union officials to return half of this fee to the Palestinian Union Federation were completed in 1996, but funds have yet to be transferred. Palestinians from the occupied territories who worked in Israel were not permitted to join Israeli trade unions or to organize their own in Israel.

The great majority of West Bank and Gaza unions belonged to the Palestinian General Federation of Trade Unions (PGFTU), an estimated 95,000 to 100,000 workers in the West Bank were members of the PGFTU, the largest union bloc, which consisted of 12 trade unions in the West Bank and 8 in Gaza. The organization had approximately 46,500 members in Gaza. The PGFTU estimated that actual organized membership of dues-paying members, included approximately 75 percent of all Palestinian workers. The PGFTU was involved in the completion of the negotiations with Histadrut regarding workers' fees. The reorganization of unions under the PGFTU was intended to enable the West Bank and Gaza unions to better represent the union members' interests.

Palestinian unions that seek to strike must submit to arbitration by the PA Ministry of Labor. If the union disagrees with the final arbitration and strikes, a tribunal of senior judges appointed by the PA decides what, if any, disciplinary action is to be taken, such as a fine. There are no laws in the occupied territories that specifically protect the rights of striking workers. In practice such workers had little

or no protection from an employer's retribution. During the year, there were no reported labor strikes.

The PGFTU participated in some programs of the International Confederation of Free Trade Unions, but was not a member.

b. The Right to Organize and Bargain Collectively.—A majority of workers in the occupied territories were self-employed or unpaid family helpers in agriculture or commerce. Only 35 percent of employment in the occupied territories historically has consisted of wage jobs. Most of this employment has been through the U.N. Relief and Works Agency (UNRWA), the PA, or municipalities. Collective bargaining was protected. Committees of 3 to 5 members adjudicated Labor disputes in businesses employing more than 20 workers. The PGFTU reported one strike during the year. Existing laws and regulations do not offer real protection against antiunion discrimination.

There were no export processing zones in the occupied territories, although the Gaza Industrial Estate did enjoy free trade access to foreign markets. Israeli closures and curfews impeded the right to organize and bargain collectively.

c. Prohibition of Forced or Bonded Labor.—PA law does not prohibit specifically forced or bonded labor, including forced and bonded labor by children, and during the year there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal working age in the West Bank and Gaza is 15 years, and there are special limits governing the conditions of employment for juveniles between 15 and 18 years, including prohibitions against working at night, under conditions of hard labor, or in jobs that require them to travel outside their area of domicile. However, in practice many Palestinian children under the age of 15 were engaged in some form of work. Most such employment was believed to involve work on family farms and in family shops, or as urban street vendors. Some employment of children also reportedly occurred in small manufacturing enterprises, such as shoe and textile factories. The PA's capacity to enforce existing labor laws was limited. It had only 40 labor inspectors to inspect an estimated 65,000 enterprises. The ILO and UNICEF were working with the PA to study the nature and extent of the problem and to develop the capacity to enforce and update child labor laws.

e. Acceptable Conditions of Work.—There was no minimum wage in the West Bank or Gaza Strip. Prior to the outbreak of the Intifada in 2000, which severely disrupted employment patters for the majority of working Palestinians, the average wage for full-time workers appeared to provide a worker and family with a decent standard of living. The majority of Palestinians currently were unemployed or underemployed and the standard of living has dropped dramatically over the last 2 years. The dependency ratio increased more than 50 percent since the start of the Intifada. In 2000 one Palestinian supported 4.3 persons in the West Bank and 5.9 persons in Gaza. During the year, those figures reached 6.9 persons and 9.4 persons, respectively. As wage earners were forced to support 50 percent more persons, the standard of living seriously deteriorated.

In the West Bank, the normal workweek was 48 hours in most areas; in Gaza, the workweek was 45 hours for day laborers and 40 hours for salaried employees. There was no effective enforcement of maximum workweek laws.

The PA Ministry of Labor was responsible for inspecting workplaces and enforcing safety standards in the West Bank and Gaza. The Ministry's ability to enforce the standard was limited due to lack of resources for inspections and other constraints; however, it carried out inspections. The Ministry reported that closures, curfews, and ongoing Israeli military operations further limited its ability to carry out inspections. The Ministry of Labor stated that new factories and workplaces met international health and safety standards, but that older ones failed to meet such standards. There was no specific legal protection afforded workers that allows them to remove themselves from an unhealthy or unsafe work setting without risking loss of employment.

Like all Israeli workers, Palestinians who worked in Israel were required to contribute to the National Insurance Institute (NII), which provided unemployment insurance and other benefits. Palestinians from the West Bank and Gaza were eligible for some, but not all, NII benefits. According to the Interim Agreement, Palestinians who worked in Israel and Jerusalem benefit from NII in cases of injuries that occurred in Israel, the bankruptcy of a worker's employer, and allowances for maternity leave.

There were outstanding cases of Palestinian workers who attempted to sue their Israeli employers for non-payment of wages but were unable to travel to the relevant courts because they were unable to receive the proper permits.

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

JORDAN

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein since the death of his father, King Hussein bin Talal. The Constitution concentrates a high degree of executive and legislative authority in the King, who determines domestic and foreign policy. In the King's absence, a regent, whose authority is outlined in the Constitution, assumes many of the King's responsibilities. The Prime Minister and other members of the Cabinet are appointed by the King and manage the daily affairs of the Government. The Parliament consists of the 40-member Senate, appointed by the King, and a lower house, the Chamber of Deputies which is elected every 4 years. The lower house exerts influence only intermittently on domestic and foreign policy issues. The 1997 parliamentary elections were marred by reports of registration irregularities, fraud, and restrictions on the press and on campaign materials. The King dissolved Parliament in June 2001 and subsequently postponed elections until spring 2003. A new election law enacted by the Government in July 2001 increased the size of the lower house from 80 seats to 104. According to the Constitution, the judiciary is independent, and the Government took steps in 2001 to strengthen the judiciary's administrative independence. However, in practice, it remained susceptible to political pressure and interference by the executive.

General police functions were the responsibility of the Public Security Directorate (PSD). The PSD, the General Intelligence Directorate (GID), and the military shared responsibility for maintaining internal security, and had authority to monitor the activities of persons believed to be security threats. Elements of the security forces continued to commit human rights abuses.

Foreign assistance, remittances from citizens working abroad, exports of minerals, and, increasingly, revenues from export of manufactured goods and tourism were the mainstays of the country's economy. The Government made substantial progress in deregulation, privatizing state owned companies and opening up to foreign trade and investment. As the country makes a transition to a market driven economic system, the main economic problems it faced were high unemployment and persistent poverty, especially in rural areas. Other drags on economic growth included the political uncertainty in the region, limited water resources, and the lack of a viable market for the country's products in its traditional trading partners in the region, particularly Iraq. Economic growth, which has improved in recent years after stagnating in the mid-1990s, is only partially addressing these problems.

The Government generally respected the human rights of its citizens in some areas; however, there were significant problems in other areas. There were significant restrictions on citizens' right to change their government. Citizens may participate in the political system through their elected representatives in Parliament; however, the King has discretionary authority to appoint and dismiss the Prime Minister, Cabinet, and upper house of Parliament, to dissolve Parliament, and to establish public policy. Other human rights problems included police abuse and mistreatment of detainees, allegations of torture, arbitrary arrest and detention, lack of transparent investigations and accountability within the security services, prolonged detention without charge, denial of due process of law stemming from the expanded authority of the State Security Court and interference in the judicial process, infringements on citizens' privacy rights, harassment of members of opposition political parties, and significant restrictions on freedom of speech, press, assembly, and association.

A law enacted by the Government in October 2001 gave the Government broad powers to restrict and prosecute journalists and to close publications. This royal decree, or temporary law, in the absence of Parliament effectively superseded the 1999 amendments to the Press and Publications Law, which had reduced somewhat the restrictions in previous laws regarding the ability of journalists and publications to function and report freely. Significant restrictions continued throughout the year. The Government limited academic freedom. In July, several professors were dismissed from local faculties, apparently for political reasons. The Government imposes some limits on freedom of religion, and there was official and societal discrimination against adherents of unrecognized religions. The evangelical Christian community reported incidents of governmental harassment during the year. One foreign Protestant pastor and his family reportedly left the country after being harassed by the Government. There were some restrictions on freedom of movement. Violence

against women, restrictions on women's rights, and societal discrimination against women were problems. Although there was some evidence that societal attitudes toward "honor" crimes was improving, the law still allowed for reduced punishments for violent honor crimes against women for alleged immoral acts. Child abuse remained a problem, and discrimination against Palestinians persisted. Abuse of foreign domestics was a problem, and child labor occurred on a small scale. Jordan was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year.

The security services promoted a climate of impunity by continuing to be reluctant to conduct transparent investigations into allegations of wrongful deaths that occurred during police detention in previous years. However, in some instances, the authorities were more forthcoming.

In January, a youth from Ma'an died in a hospital while in police custody. The Government reported that the boy was arrested for violating the privacy of neighbors, and suffered from fatal injuries after falling from a roof during flight from the police. Local residents said the Government was not truthful about the circumstances surrounding the boy's death. This death lead to rioting, the death of a police officer, and the injury of six police officers and eight rioters.

In April, a 10-year old boy was killed during an anti-Israeli demonstration in the Baqaa refugee camp. Family members claimed he was struck by a tear gas canister fired by anti-riot police. The Government formed a special committee to investigate the incident and concluded that there was no wrongdoing on the part of the Government because the boy was struck in the head by an object not fired by police.

In November, a challenge to government authority by an armed group in Ma'an led to the deaths of five persons, including two police officers and three militants.

In August 2001, unknown assailants shot and killed an Israeli businessman working in Amman. Two extremist organizations, the Islamic Movement of Jordan ("The Group of Ahmed Al Daqamseh") and the previously unknown "Nobles of Jordan", claimed responsibility for the killing. The Government stated that it had reason to believe the killing was criminal and not political in nature. At the end of the year, the Government had made no arrests in the case.

In September 2001 the police provided diplomatic representatives with credible information that security forces were not responsible for the death of one person and injury of six others during an October 2000 protest in the Baqaa refugee camp. Protesters continued to maintain that police caused the death and injuries.

According to the Government, several members of the security service were remanded for trial in the January 2000 beating death of Mar'i Khalil Al-Jahran in a South Shuna police station. There were no developments in this matter during the year.

On February 28, terrorists unsuccessfully attempted to assassinate a senior government official and his family with a car bomb. Two bystanders were killed by the blast. At the end of the year, the Government's investigation of the incident continued.

In October, USAID official Lawrence Foley was shot and killed in front of his home. In December, the Government arrested two suspects, who confessed to the act as well as being members of the terrorist organization Al Qa'ida. The trial date is set for 2003.

Women continued to be victims of "honor killings" (*see* Section 5).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law provides prisoners with the right to humane treatment and provides prisoners the right to an attorney. However, the police and security forces sometimes abused detainees physically and verbally during detention and interrogation, and allegedly also used torture. Allegations of torture were difficult to verify because the police and security officials frequently denied detainees timely access to lawyers, despite legal provisions requiring such access. The most frequently alleged methods of torture included sleep deprivation, beatings on the soles of the feet, prolonged suspension with ropes in contorted positions, and extended solitary confinement. Defendants in high-profile cases before the State Security Court claimed to have been

subjected to physical and psychological abuse while in detention. Government officials denied allegations of torture and abuse.

In October, the Court of Cassation considered convicted terrorist Raed Hijazi's appeal and remanded the case to the Security Court with an order to reconsider the death sentence. Hijazi's sentence stood. In January, the State Security Court rejected accused Hijazi's defense that his confession was coerced, found Hijazi guilty, and sentenced him to death. He had been tried for crimes against the national security. In 2000, Syria had apprehended Hijazi, accused of a terrorist plot targeting American and Israeli tourists during the millennium celebrations, and rendered him to stand trial. According to media accounts of the trial, doctors for both the defense and the prosecution testified that Hijazi's body showed signs of having been beaten, but witnesses, including Hijazi, made contradictory and inconclusive claims regarding whether the alleged abuse occurred while he was in Jordanian or Syrian custody.

A number of cases of beatings and other abuse while in police custody were reported to human rights activists during the year. Many of these reported incidents occurred during April, when there were hundreds of anti-Israeli demonstrations throughout the country. In April, a local newspaper reporter covering anti-Israeli demonstrations in Sweileh claimed that he was detained, threatened and 'manhandled' by government security forces (*see* Section 2.c.). Human rights activists believed that there were many incidents that were not documented.

Police on several occasions used force to disperse demonstrations during the year (*see* Section 2.b.).

There were no developments in the investigation of the November and December 2000 shooting attacks against Israeli diplomats.

Most prisons met international standards. That said, prisons and local police detention facilities were spartan, and on the whole were severely overcrowded and understaffed. Human rights groups and prisoners complained of poor food and water quality, inadequate medical facilities, and poor sanitation in certain facilities. In July 2001 the Government passed a temporary law that restricted the types of physical force that prison officials may use to subdue prisoners. In 2000 the Government opened a new prison facility in an attempt to alleviate the problem of overcrowding.

The Government held some persons who are detained on national security grounds in separate detention facilities maintained by the GID. The Government held other security detainees and prisoners in regular prisons. Conditions in GID detention facilities were significantly better than general police detention facilities. While security prisoners often were separated from common criminals, conditions for such prisoners did not differ significantly.

Local human rights monitors were allowed to visit prisons, but complained that the authorities required them to undertake a lengthy and difficult procedure to obtain permission for such visits. The U.N. High Commissioner for Refugees (UNHCR) had access to prisoners. With some exceptions, the International Committee of the Red Cross (ICRC) was permitted unrestricted access to prisoners and prison facilities, including GID facilities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution states that "personal freedom shall be guaranteed" and that no person may be detained or imprisoned "except in accordance with the provisions of the law." Under the Constitution, citizens are subject to arrest, trial, and punishment for the defamation of heads of state, dissemination of "false or exaggerated information outside the country that attacks state dignity," or defamation of public officials. Criminal laws generally required warrants; however, in most cases suspects may be detained for up to 48 hours in the absence of a warrant. Police obtained many warrants after making arrests.

The Criminal Code requires that police notify legal authorities within 48 hours of an arrest and that legal authorities file formal charges within 10 days of an arrest; however, the courts routinely granted requests from prosecutors for 15-day extensions, also provided by law. This practice generally extended pretrial detention for protracted periods of time. The security forces arbitrarily arrested and detained citizens. In cases involving state security, the authorities frequently held defendants in lengthy pretrial detention, did not provide defendants with the written charges against them, and did not allow defendants to meet with their lawyers until shortly before trial. Defendants before the State Security Court usually met with their attorneys only 1 or 2 days before their trial. In April 2001 the Parliament passed amendments to the Criminal Code that eliminated pretrial detentions for certain categories of misdemeanors.

The Government detained persons, including journalists (*see* Section 2. a.) and Islamists for varying amounts of time for what appeared to be political reasons. Human rights sources reported that more than 1,000 persons were detained for se-

curity reasons and subsequently released within a short period of time throughout the year. Human rights groups reported that there were a smaller number of long-term political detainees.

Local governors had the authority to invoke the Preventing Crimes Law, which allowed them to place citizens under house arrest for up to one year without formally charging them (*see* Section 2.d.). House arrest may involve requiring persons to report daily to a local police station and the imposition of a curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days.

The Government used the threat of detention to intimidate journalists into practicing self-censorship. In October 2001, the Government adopted a series of amendments to Penal Code provisions dealing with the press. Subsequent to the adoption of these amendments, there were incidents of detainment and intimidation of journalists (*see* Section 2.a.).

The Constitution prohibits the expulsion of any citizen, and the Government did not routinely use forced exile; however, in June the Government attempted to prevent the return of Ibrahim Ghosheh, one of four leaders of the terrorist organization HAMAS allegedly expelled in 1999. In June 2001, Ghosheh arrived unexpectedly from Qatar, and immigration authorities at Queen Alia International Airport (QAIA) attempted to block his admission to the country. Ghosheh was detained at the airport until June 30, when the Government admitted him to the country in return for his pledge to cease his HAMAS activities. The three other expelled HAMAS leaders remained outside the country at year's end (*see* Sections 1.e. and 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary, and the Government passed legislation in 2001 to strengthen such independence; however, the judiciary was not independent in practice and remained subject to pressure and outside interference. A judge's appointment to, advancement within, and dismissal from the judiciary are determined by the Higher Judiciary Council, a committee whose members were appointed by the King. In June 2001 Parliament passed a law intended to give the Council increased independent jurisdiction over the judicial branch; previously, the Council had been subject to frequent interference and pressure from the Ministry of Justice stemming from the Ministry's oversight of the council. The new law promoted the independence of the judicial system by limiting the Ministry of Justice's administrative control over judges. There had been numerous allegations in previous years that judges were "reassigned" temporarily to another court or judicial district to remove them from a particular proceeding. The Government claimed that the Higher Judiciary Council's new independence made such tampering much more difficult. Despite constitutional prohibitions against such actions, judges complained of telephone surveillance by the Government (*see* Section 1.f.).

The judicial system consists of several types of courts. Most criminal cases are tried in civilian courts, which include the appeals courts, the Court of Cassation, and the Supreme Court. Cases involving sedition, armed insurrection, financial crimes, drug trafficking, and offenses against the royal family are tried in the State Security Court.

Shari'a (Islamic law) courts have jurisdiction over marriage and divorce among Muslims. Christian courts have jurisdiction over marriage and divorce cases among Christians, but apply Shari'a law in inheritance cases (*see* Section 5).

Most civilian court trials were open. Defendants are entitled to legal counsel, may challenge witnesses, and have the right to appeal. Defendants facing the death penalty or life imprisonment must be represented by legal counsel. Public defenders were provided if the defendant is unable to hire legal counsel. According to government legal officials, civil, criminal, and commercial courts accord equal weight to the testimony of men and women. However, in Shar'ia court, the testimony of two women is equal to that of a man's in most circumstances (*see* Section 5).

The State Security Court consisted of a panel of three judges, two military officers and one civilian. Sessions frequently were closed to the public. Defendants tried in the State Security Court often were held in pretrial detention without access to lawyers, although they were permitted to be visited by representatives of the ICRC. In the State Security Court, judges have inquired into allegations that defendants were tortured and have allowed the testimony of physicians regarding such allegations (*see* Section 1.c.). The Court of Cassation ruled that the State Security Court may not issue a death sentence on the basis of a confession obtained as a result of torture. Defendants in the State Security Court have the right to appeal their sentences to the Court of Cassation, which is authorized to review issues of both fact and law. Appeals are automatic for cases involving the death penalty.

In September 2001, the Government passed a temporary law that removed the right of appeal for defendants convicted of misdemeanors in the State Security Court. According to reports, several defendants were convicted in the State Security

Court without the right to appeal, the most notable being Toujan Faisal (*see* Section 2.a.). King Abdullah later pardoned Faisal.

In the past, defense attorneys have challenged the appointment of military judges to the State Security Court to try civilian cases as contrary to the concept of an independent judiciary. According to human rights activists, military judges appeared to have received adequate training in civil law and procedure.

In the past, the press routinely carried details of cases tried before the State Security Court, despite 1998 provisions in the Press and Publication Law that prohibited press coverage of any case that was under investigation, unless expressly permitted by the authorities. The 1999 amendments to the Press and Publications Law permitted journalists to cover court proceedings "unless the court rules otherwise." There was press coverage of trials in the State Security Court during the year.

The Court of Cassation vacated the State Security Court's verdict of July 2001, in which the State Security Court had retried and sentenced nine men to life imprisonment for their alleged involvement in politically motivated bombings in 1998. The July 2001 retrial came as a result of credible reports that the initial trial in 1998 was flawed, and that the defendant's confessions were made under duress and torture. Following the ruling of the Court of Cassation vacating the State Security Court verdict, there were no further developments in the case.

In June 2001 the Government permitted one of the four HAMAS leaders expelled in 1999 to reenter the country (*see* Sections 1.d. and 2.d.); there were credible reports of executive branch influence with respect to the original verdict of expulsion.

There were no reports of political prisoners; however, the Government detained persons for varying periods of time for political reasons (*see* Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution requires that security forces obtain a warrant from the Prosecutor General or a judge before conducting searches or otherwise interfering with these rights, and the security services generally respected these restrictions; however, in security cases, at times in violation of the law, the authorities obtained warrants retroactively or obtain pre-approved warrants. Security officers monitored telephone conversations and Internet communication, read private correspondence, and engaged in surveillance of persons considered to pose a threat to the Government or national security. The law permits these practices if the Government obtains a court order. Judges complained of unlawful telephone surveillance (*see* Section 1.e.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government imposed a number of restrictions on these rights, and such restrictions increased during the year. In October 2001, the Government broadened its authority to prosecute journalists and close publications. The Government detained and restricted journalists based on the provisions of the October 2001 laws.

The 1998 Press and Publications Law and the 1999 revisions to the law, combined with the 1998 Press Association Law, imposed stringent restrictions on the operation of newspapers. The Government also intimidated journalists to encourage self-censorship. Private citizens may be prosecuted for slandering the royal family, the Government, or foreign leaders, and for "sowing sedition." Citizens generally did not hesitate to criticize the Government openly, but were more circumspect in regard to the King and the royal family. The Press and Publications Law and the law governing the Jordan Press Association (JPA) require membership in the JPA for persons to be considered "legal" journalists or editors, thus potentially excluding dozens of practicing journalists from the profession. The Government during the year selectively enforced this provision. The JPA used its authority to enforce bans on journalists receiving funding from foreign sources or having Israeli contacts. In 1999 then-Prime Minister Abdul Raouf Rawabdeh issued an order directing government offices to cooperate only with JPA members.

The 1998 Press and Publications Law granted the Government wide discretionary powers to issue fines, withdraw licenses, and order shutdowns, which enabled it to control the editorial content of newspapers. However, the 1999 amendments to the Press and Publications Law limited to some extent the Government's discretion to issue fines, transferred the power to withdraw licenses to the judiciary, limited significantly the Government's power to order shutdowns, and allowed journalists to cover court proceedings unless the court ruled otherwise. The 1998 Press and Publications Law imposed strict limits on publications, which gave the Government very broad leeway to sanction publications. According to the 1999 amendments, all publications must be licensed by the Government. The law also requires that the editor in chief of a newspaper be a citizen who permanently resides in the country and to have been a member of the JPA for at least 4 years. This last provision reflected

a reduction in the requirements of previous legislation but placed the burden of regulation on the JPA.

The Penal Code authorizes the State to take action against any person who incites violence, defames heads of state, disseminates "false or exaggerated information outside the country that attacks state dignity," or defames a public official.

In October 2001, the Government adopted a series of amendments to Penal Code provisions dealing with the press. The amendments reinforced existing Penal Code restrictions on free speech and allow for the prosecution of any person found to have written, published, or aired any statements "harmful to national unity; instigating criminal actions; sowing the seeds of hatred and malice; inciting divisions among members of society; instigating acts of religious and racial fanaticism; insulting the dignity of individuals, their reputation or personal freedoms; committing acts of corruption or publishing false information or rumors; inciting people to organize strikes or sit-ins, or to hold meetings in a manner that violates the law; or committing any act considered harmful to the state's reputation and dignity." The amendments gave the State Security Court the authority to temporarily or permanently close any publication or media outlet that published or aired any such statements. The Government strengthened provisions regarding defamation of the King or Royal Family, providing as punishment imprisonment of three years. In addition all violators of the new provisions automatically were subject to trial before the State Security Court rather than the special press and copyright court.

Prior to the October 2001 amendments, persons accused of violating the Press and Publications Law were tried in a special court for press and copyright cases. Journalists also may be prosecuted for criminal and security violations in connection with their work. Although a substantial number of cases were dismissed before trial, many other cases lingered in the courts for years. The Government routinely used detention and prosecution or the threat of prosecution to intimidate journalists and thereby successfully encouraged self-censorship (*see* Section 1.d.).

In March former parliamentarian Toujan Faisal was arrested and charged with acts of sedition via libel and incitement of violence against the Government. On a foreign-based Internet site and on al-Jazeera, Faisal criticized the Prime Minister and the judicial system for corruption. In May the State Security Court and sentenced Faisal to one and a half years in prison. Since Faisal was convicted of misdemeanors, she had no right to appeal (see section 1.e.). Many contended that Faisal's arrest and sentence were the result of a political vendetta. In May the King pardoned Faisal and she was released in late June.

On March 18, editor Hashem Khalidi and publisher Tajeddin Hroub of the weekly Al-Bilad were detained on the charge of publishing "false news" following publication of an article in their newspaper.

In March a foreign NGO reported that a publication of the opposition weekly Al Majd was censored by the Government. In September Al-Majd claimed that their publication was delayed for one day because "security forces" stopped the printing of the newspaper until articles considered "offensive" were removed. In January the editor of the newspaper, Fahd al-Rimawi had been detained for 2 days and charged with publishing false news.

In April Al-Jazeera correspondent Mahmoud Al Housa was detained for 3 days, apparently under the provisions of the October amendments. In the same month a local newspaper reporter covering demonstrations in Sweileh claimed that he was detained, threatened and "manhandled" by government security forces (see section 1.c.). In August he claimed that government authorities seized his passport and threatened him with prosecution.

In August the Government closed indefinitely the local office of Al Jazeera and suspended the media credentials of Al Jazeera's local correspondents in response to their airing of a talk show segment which the Government considered inflammatory and anti-Government.

In August journalist Mamoun Al Roussan, editor-in-chief of the weekly Al Jazeera was arrested and detained for publishing an article criticizing Qatari officials. Both Al Roussan and his publisher, Sakher Abu Anzeh were detained for a week.

In November Yasser Abu Hilalah, a columnist for the Al Rai newspaper and former correspondent for Al Jazeera, and Samir Abu Hilalah, a journalist with Al Arab Al Youm, were released after being held for 24 hours. Both were detained after sending information to their respective news sources on the unrest between security forces and citizens in Ma'an.

In January 2001, the Government arrested seven members of the Anti-Normalization Committee, a group that opposes the country's relations with Israel, on charges of belonging to an illegal group (*see* Section 2.b.). The State Security Court also charged two of the seven with possession of explosives and with terrorist activities. The arrests followed the publication of the Committee's blacklist, which included the

names of companies and persons with ties to Israel or Israeli businesses. All seven detainees were released on bail while awaiting trial. The trials had not yet begun by year's end. The Government also filed charges under the Press and Publications Law against two journalists, Ma'moun Rousan and Abdel Naser Hourani, for printing the blacklist in their publications. At the end of the year, both men were still involved in judicial proceedings related to the charges.

In May 2001, police in Amman arrested journalists Jamal Alawi, and Yasser Zaatreh. According to press reports, police forcibly detained the journalists during anti-Israeli rallies marking the anniversary of the creation of the State of Israel. That same month, police also reportedly seized film and cameras from other television journalists. Alawi and Zaatreh were released without charge after a brief detention. Police reportedly beat Tareq Ayyoub as he attempted to cover political demonstrations in Amman (*see* Section 2.b.).

In June 2001, police in Zarqa briefly detained five journalists who worked for the Associated Press. The reporters were attempting to film a memorial service for the suicide bomber involved in the Dolphinarium Disco bombing in Tel Aviv. Police released all five after a few hours.

In July 2001, Senator Jawad Anani claimed that he was forced to resign following his publication of an article that was critical of the Government. The Government denied any involvement in Anani's decision to resign.

In December 2001 the GID reportedly detained two television journalists associated with al-Jazeera for covering a demonstration by Islamists in Ma'an. According to the reporters, the GID forced them to hand over their video footage and physically abused them while they were in custody. Both journalists were released with 24 hours and no charges were filed against them.

The Press and Publications Department continued to enforce bans on the publication of a number of books within the country. Although some books were banned based on religious objections, anecdotal evidence suggests that the number banned for political reasons is higher.

There were no developments in the January 2000 arrest of Asim Ogla Al-Maghayirah, whom authorities accused of affiliation with the banned political party Al-Tahrir and of distribution of illegal pamphlets.

In February 2000, the High Court of Justice dismissed the appeal of Nidal Mansour's expulsion from the JPA. In September 2000, the JPA had voted to expel Mansour for allegedly receiving foreign funding on behalf of the nongovernmental organization (NGO) that he headed (*see* Section 4). As a result of the Court's decision, Mansour was removed as editor of the newspaper that he owns.

The Press and Publications Department continued its April 2000 ban on a book of poetry by Ziyad Al-Anani; the book contained a poem that reportedly was offensive to Islam (*see* Section 2.c.).

Some journalists continued to complain about high taxes on the media industry and tariffs on paper, which they claimed led them to reduce the size of their publications. They also criticized the Government for its policy of advertising predominantly in newspapers in which the Government owned shares.

The Government did not block the entry of foreign publications during the year. In January 2000, the Government passed a bill that grants foreign media operations "absolute freedom of expression" in the country. The bill reportedly was passed in order to encourage foreign investment. At the time, some commentators criticized the Government for passing a bill that offers full autonomy for foreign journalists while maintaining laws that restrict freedom of expression for local journalists.

Radio and television news broadcasts were more restricted than the print media. The Government was the sole broadcaster of radio and television programs. It had commercial agreements with the British Broadcasting Corporation, the London-based Middle East Broadcasting Center, and Radio Monte Carlo that allow it to simulcast regional programs using local radio transmitters. Jordan Television (JTV) reported only the Government's position on controversial matters. International satellite television and Israeli and Syrian television broadcasts were available and unrestricted.

The GID actively investigated Internet reports of "crimes against the King." In March, the Government restored access to two overseas websites that it had blocked within the country. There were additional reports of government interference with Internet access.

The Government limited academic freedom. In June, three universities dismissed a total of eight professors, most of whom taught Shari'a law, without explanation. Most suspected the Saudi-educated professors were dismissed because of their political views and/or their background. Four of the professors have since been reinstated. During the year, sources in the academic community claimed that there was an intelligence presence in academic institutions. In 2001 two university presidents

were pressured to resign because of their political views. Some academics claimed that they received frequent threats of dismissal.

During the year, Jordan University continued its policy established in March 2000 that granted the president of the University the authority to appoint half of it's 80-member student council, including the chair. The amendment was viewed widely as an effort to curb the influence of campus Islamists. Many students, including non-Islamists, objected to the University's decision.

b. Freedom of Peaceful Assembly and Association.—The Government restricts freedom of assembly. Citizens must obtain permits for public gatherings. In August 2001 the Government adopted a law that requires the organizers of rallies and demonstrations to request permission from provincial governors at least 3 days prior to any event. Under the law, no protest may be held without the governor's consent and violators face imprisonment from 1 to 6 months and a fine not to exceed $4,230 (3,000 dinars). The Government adopted the law in the absence of a sitting Parliament, which the King dissolved in June 2001 (*see* Section 3).

In mid-March, media reports indicated that tear gas was used in protests at refugee camps and some protestors were detained; however the demonstrations remained peaceful overall.

On March 22, there were media reports that the Government used tear gas to disperse approximately 1,500 protestors in Irbid when they attempted to march from a local university to the city's center. The demonstrators had been denied a permit to demonstrate by the Government. Unconfirmed press reports indicated that some of the demonstrators were beaten.

Despite the restrictions, there were numerous anti-Israeli protests and demonstrations throughout the country, especially in April. On some occasions in April, police used tear gas, water cannons, and dogs to disperse protestors in various areas of Amman and throughout the country.

In May and June, professional associations cancelled demonstrations in which they planned, among other things, to burn American goods. The cancellations were reportedly prompted by government pressure.

In June 4 members of the outlawed Liberation Party were sentenced to 1 year in prison. Reportedly, the four were arrested while obtaining signatures on a memorandum to the Prime Minister that demanded, among other things, military aid to the Palestinians.

In August Saudi religious extremist Sheikh Salman al Awdah was detained and deported from the country prior to delivering a scheduled speech.

In March 2001, riot police protecting the Prime Ministry used physical force to disperse a sit-in by 25 academics protesting the absence of employment opportunities at local universities. No one was seriously injured; however, press reports claimed that at least 10 demonstrators briefly were detained. The Government denied that it detained any of the demonstrators.

In April 2001, organizers canceled a planned march from the Shmeisani area of Amman to U.N. offices in the city. According to press reports, the governor of Amman refused permission for the event.

In May 2001, security forces dispersed hundreds of protestors who were attempting to stage two rallies in Amman. The Government claimed that the rallies were unauthorized and unlawful. Police used tear gas, water cannons, batons, and dogs to disperse the demonstrators, reportedly injuring between 10 and 30 persons (*see* Section 1.c. and 2.a.).

In July 2001, police and University of Jordan security personnel refused to allow students holding an anti-Israeli protest to exit the campus. No force was used in the incident.

The Government restricted freedom of association. The Government required and routinely granted approval for conferences, workshops, and seminars. Currently, professionals must join their respective professional associations.

The Government routinely licensed political parties and other associations. There were 30 licensed political parties. Membership in an unlicensed political party was illegal. The Government may deny licenses to parties that it decides do not meet a list of political and other criteria contained in the Political Parties Law. The High Court of Justice may dissolve a party if it violates the Constitution or the Political Parties Law.

In January 2001, security officials arrested seven members of the Anti-Normalization Committee, a group that opposes the country's relations with Israel, on charges of belonging to an illegal group (*see* Section 2. a.). The State Security Court also charged two of the seven persons with possession of explosives and with terrorist activities. The arrests followed the publication of the Committee's blacklist, which included the names of companies and persons with ties to Israel or Israeli busi-

nesses. All seven detainees were released on bail while awaiting trial. The trials had not yet begun by year's end.

In October 2001, the Government arrested or detained more than 50 persons for violating the public gathering laws. Included in the October detentions were at least 10 students from Jordan University, 15 members of the Muslim Brotherhood and its political arm, the Islamic Action Front (IAF), and members of extremist groups. The Government had released all 50 persons by the end of 2001.

c. Freedom of Religion.—The Constitution provides for the safeguarding of "all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality." Within that constitutional framework, the Government imposes some restrictions on freedom of religion. The Constitution also states that "there shall be no discrimination" between Jordanians "as regards their rights and duties on grounds of race, language, or religion." However, some members of unrecognized religious groups and religious converts from Islam faced legal discrimination and bureaucratic difficulties in personal status cases.

According to the Constitution, Islam is the state religion. The Ministry of Religious Affairs and Trusts managed Islamic institutions and the construction of mosques. It also appointed imams, provided mosque staff salaries, managed Islamic clergy training centers, and subsidized certain activities sponsored by mosques. The Government loosely monitored sermons at mosques and required that speakers refrain from criticizing the Royal Family or instigating social or political unrest. The Political Parties Law prohibits the use of houses of worship for political party activity. The law was designed primarily to deny government opponents the ability to preach politically oriented sermons in mosques.

Persons enjoy freedom of belief, and there were no reports that the practice of any faith was prohibited. However, the Government does not officially recognize all religious groups. Some religious groups, while allowed to meet and practice their faith, complained of societal and/or official discrimination. In addition, not all Christian denominations have been accorded legal recognition as religions. The Prime Minister unofficially conferred with an interfaith council of bishops representing local churches on all matters relating to the Christian community, including the registration of new churches in the country. The Government used the following criteria when considering recognition of Christian churches as separate official religions: the faith does not contradict the nature of the Constitution, public ethics, customs, or traditions; the faith is recognized by the Middle East Council of Churches; the faith does not oppose the national religion; and the group includes some citizen followers.

Religious institutions, such as churches that wish to receive official government recognition, must apply to the Prime Ministry for registration. Recognized non-Muslim religious institutions did not receive subsidies; they were financially and administratively independent from the Government and were tax-exempt. Some churches were registered with the Ministry of Justice as "societies," rather than churches.

According to the Government, the role of the State in religious affairs is limited to supervision. Groups that have practices that violate the law and the nature of society were prohibited; however, there were no reported cases of religious groups being banned in practice.

The Government did not recognize the Druze or Baha'i faiths as religions but did not prohibit the practice of the faiths. Druze faced official discrimination but did not complain of social discrimination. Baha'is faced both official and social discrimination. The Government did not record the bearer's religion on national identity cards issued to Druze or Baha'is. The small Druze and Baha'i communities did not have their own courts to adjudicate personal status and family matters; such matters are heard in Shari'a courts. The Government did not officially recognize the Druze temple in Azraq, and four social halls belonging to the Druze were registered as "societies." The Government did not permit Baha'is to register schools or places of worship.

The Government did not recognize Jehovah's Witnesses, the Church of Christ, or the Church of Jesus Christ of Latter-day Saints, but each denomination was allowed to conduct religious services and activities without interference.

The Government did not interfere with public worship by the country's Christian minority. Although the majority of Christians were allowed to practice freely, some activities, such as encouraging Muslims to convert to the Christian faith were prohibited.

The Jordan Evangelical Theological Seminary (JETS), a Christian training school for pastors and missionaries, had still not been accredited by the end of the year. As a result, students and faculty from the U.S. and elsewhere wishing to attend JETS were still unable to obtain student visas. JETS continued its operations with students studying on tourist visas.

Shari'a prohibits non-Muslims from proselytizing Muslims. Conversion to the Muslim faith by Christians was allowed; however, a Muslim may not covert to another religion. Muslims who convert to other faiths complained of social and government discrimination. The Government does not fully recognize the legality of such conversions. Under Shari'a, converts are regarded as apostates and legally may be denied their property and other rights. However, in practice, this principle was not applied. According to the Government, it neither encourages nor prohibits apostasy. Converts from Islam do not fall under the jurisdiction of their new religion's laws in matters of personal status and are still considered Muslims under Shari'a. Conversely, converts to Islam fall under the jurisdiction of the Shari'a courts. Shari'a prescribes the death penalty for Muslims who convert to another religion; however, there is no corresponding statute under national law, and such punishment has never been applied.

Government policy requires that foreign missionary groups (which the Government believes are not familiar with the customs and traditions of the country) refrain from public proselytizing "for the sake of their own personal safety from members of society that oppose such practices." The Government has taken action against some Christian proselytizers in response to the complaints of recognized Christian groups who charge that the activities of these missionaries "disrupt the cohesiveness and peace between religious groups in society." In December, an American pastor asserted that the Government harassed him and his wife, and threatened to cancel their residency permits. The pastor claimed that the Government intimidation was in response to his refusal to verify whether or not Muslims attended his church's services.

In the past, there were some reports of local government officials encouraging Christian females involved in relationships with Muslim males to covert to Islam to diffuse family or tribal disputes caused by the relationship (*see* Section 5). However, there were no known cases in which local officials harassed or coerced persons to convert during the year.

According to the Constitution, religious community trusts ("Awqaf") and matters of personal status, such as marriage, divorce, child custody, and inheritance fall within the exclusive jurisdiction of the Shari'a courts for Muslims, and separate non-Muslim tribunals for each religious community recognized by the Government. There is no civil marriage. The head of the department that manages Shari'a court affairs (a cabinet-level position) appoints Shari'a judges, while each recognized non-Muslim religious community selects the structure and members of its own tribunal. All judicial nominations are approved by the Prime Minister and commissioned officially by royal decree. The Protestant denominations registered as "societies" come under the jurisdiction of one of the recognized Protestant church tribunals. There are no tribunals assigned for atheists or adherents of unrecognized religions. These persons must request one of the recognized courts to hear their personal status cases.

During the year, a child custody case was adjudicated through the court system (both Shari'a and civil) and custody of two minors who were raised as Christian was transferred from their Christian mother to her Muslim brother-in-law.

Shari'a is applied in all matters relating to family law involving Muslims or the children of a Muslim father, and all citizens, including non-Muslims, are subject to Islamic legal provisions regarding inheritance. Men are able to divorce their spouses more easily than women are, although a law passed in December 2001 allows women to divorce their husbands in Shari'a Court. Since the law went into effect, Shari'a courts have granted at least two divorces brought by women (*see* Section 5).

All minor children of a male citizen who converts to Islam are automatically considered to be Muslim. Adult children of a male Christian who has converted to Islam become ineligible to inherit from their father if they do not themselves convert to Islam. When a Muslim converts to Christianity, the act is not recognized legally by the authorities, and the subject continues to be treated as a Muslim in matters of family and property law, and the minor children of a male Muslim who converts to Christianity continue to be treated as Muslims under the law.

Some Christians are unable to divorce under the legal system because they are subject to their faith's religious court system, which does not allow divorce. Many of these individuals convert to another Christian denomination or the Muslim faith in order to divorce legally.

The Government notes individuals' religions (except for Druze and Baha'is, and other unrecognized religions) on the national identity card and "family book" (a national registration record that is issued to the head of every family and that serves as proof of citizenship) of all citizens. Atheists must associate themselves with a recognized religion for official identification purposes.

The Government traditionally reserves some positions in the upper levels of the military for Christians; however, all senior command positions have been traditionally reserved for Muslims. Division-level commanders and higher are required to lead Islamic prayer for certain occasions. There were no Christian clergy in the military.

Despite efforts by religious extremists, in 2001 the criminal court and Shari'a court acquitted poet Musa Hawamdeh of charges that he had "insulted religious values and defamed prophets" in his poetry.

The Press and Publications Department continued its April 2000 ban on a book of poetry by Ziyad Al-Anani; the book contained a poem that reportedly was offensive to Islam (*see* Section 2.a.).

In June 2000, due to a dispute stemming from an intrachurch rivalry between the Jerusalem Patriarchate and the Antioch Orthodox Patriarchate, the Government closed an Arab Orthodox church that was aligned with the Antioch Patriarch in Damascus. The Government closed the church following a request from the local Orthodox hierarchy to enforce a 1958 law that grants the Jerusalem Patriarchate authority over all Orthodox churches in the country. In December 2000 the church reopened with permission from the Government, but was closed again a week later based largely on pressure from the Orthodox hierarchy. The Government stated that the church was free to open under a different name that would not imply affiliation with the Orthodox Church. The church remained closed at year's end.

Non-Jordanian Christian missionaries operated in the country but were subject to restrictions. Christian missionaries may not proselytize Muslims. During the year, U.S.-affiliated Christian mission groups in the country continued to complain of bureaucratic difficulties, including refusal by the Government to renew residence permits.

In February 2000, the governor of the Amman municipality closed the office of Life Agape—an organization associated with the Baptist Church—after the director refused to sign a letter stating that he would not "deal with Muslims." The office remained closed at the end of the year.

In April and September 1999, a foreign employee of a small language school in Amman applied for a residence permit from the Ministry of Interior. His application was denied, reportedly because government officials believed that he had been attempting to convert Muslims to Christianity. He reapplied in April 2000, and was awaiting a response from the Government at the year's end.

For a more detailed discussion, see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for the right of citizens to travel freely abroad and within the country except in designated military areas; however, there are some restrictions on freedom of movement. The law requires that all women, including foreign women married to citizens, obtain written permission from a male guardian—usually their father or husband—to apply for a passport. The current passport laws do not state that a woman must have permission from her male guardian to renew her passport. In the past, there were several cases in which mothers reportedly were prevented from departing with their children because authorities enforced requests from fathers to prevent their children from leaving the country (*see* Section 5).

The GID sometimes withheld passports from citizens on security grounds. In August a reporter claimed that government security forces confiscated his passport. Local governors have the authority to invoke the Preventing Crimes Law, which allows them to place citizens under house arrest for up to a year without formally charging them (*see* Section 1.d.). House arrest may involve requiring persons to report daily to a local police station and the imposition of a curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days.

Persons with full citizenship received passports that are valid for 5 years. Most Palestinians living in the country were citizens and received passports that are valid for 5 years. However, the Government estimated that there are 150,000 Palestinian residents who are refugees or children of refugees who arrived from Gaza after 1967 and do not qualify for citizenship. They receive 2-year passports valid only for travel. In the period following the country's administrative and legal disengagement from the West Bank in 1988, Palestinians residing in the West Bank received 2-year passports valid for travel only, instead of 5-year Jordanian passports. In 1995, King Hussein announced that West Bank residents without other travel documentation again would be eligible to receive 5-year passports. However, the Government emphasized that these passports are for travel only and do not connote citizenship, which may be proven only by presenting one's "national number," a civil registration number accorded at birth or upon naturalization to persons hold-

ing citizenship. The national number is recorded on national identity cards and in family registration books, which are issued only to citizens.

During the year, there were allegations that the Government did not consistently apply citizenship laws. There were 32 cases reported in which passports were taken by the Government in efforts to implement 1988 West Bank disengagement laws. In 2001, there were reports of 52 complaints from persons or families claiming that the Government denied their right to citizenship. All 52 reported complainants disputed the Government's claim that they were ineligible for citizenship under the regulations, and many filed appeals with the Ministry of Interior.

In July 2001, there were reports that immigration officials at the King Hussein/Allenby Bridge crossing with Israel confiscated the Jordanian passports belonging to Jordanians of Palestinian origin who were carrying both Jordanian and Palestinian Authority travel documents. The Government stated that such confiscations were consistent with laws that prohibit citizens of Arab League countries from holding passports of any other Arab League member. Human rights observers claimed that no such law exists, and that the policy against dual nationality is based on an informal agreement of Arab League countries.

Human rights activists reported that approximately 1000 Jordanians of Palestinian origin remained outside the country at year's end, due to the Government's refusal to renew their passports at embassies overseas. The majority of such persons now live in Syria, Lebanon, and Libya as stateless persons. Diplomatic representatives or human rights observers who inquired about the situation received no government response.

The Constitution specifically prohibits the deportation of citizens. In June 2001 the Government permitted the return of Ibrahim Ghosheh, one of four HAMAS leaders allegedly expelled in 1999. Although initially refused entrance, Ghosheh was admitted in return for his pledge to cease his activities with HAMAS. The three other expelled HAMAS leaders remained outside the country at the year's end (*see* Sections 1.d. and 1.e.).

There is no law or statute that provides for the granting of refugee status or asylum. The Government generally cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR). The UNHCR must resettle refugees in other countries. However, in April 2001 the Ministry of Interior signed a memorandum of understanding with the UNHCR concerning the status and treatment of refugees. Under the agreement, the Government admits asylum seekers, including those who have entered the country clandestinely, and respects the UNHCR's eligibility determinations under the refugee definitions set forth in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The agreement provides protection against the forcible return of refugees from the country, and recognizes the legal definition of a refugee as set forth in the U.N. Convention. The UNHCR regularly trains law enforcement officials in international refugee law, including specialized courses for policewomen. The Government provides first asylum. According to UNHCR figures, 55,626 persons sought asylum through the UNHCR between October 1990 and 2000.

The Government estimates that over 300,000 Iraqis resided in the country. Since 1991 thousands of Iraqis have applied for refugee status and received legal and material assistance from the UNHCR. In addition to applications from Iraqis during the year, the UNHCR also received applications for refugee status from Sudanese, Russians from Chechnya, Somalis, and Eritreans.

For the 2001–2002 school year, the Government continued its policy of denying Iraqi children admittance to school unless they are legal residents of the country or recognized as refugees by the UNHCR.

Almost 1.6 million Palestinian refugees were registered in the country with the U.N. Relief and Works Agency for Palestine Refugees (UNRWA). The UNRWA counts another 800,000 Palestinians as either displaced persons from the 1967 war, arrivals following the 1967 war, or returnees from the Gulf between 1990 and 1991.

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

There are significant restrictions on citizens' right to change their government. Citizens may participate in the political system through their elected representatives in Parliament; however, the King has discretionary authority to appoint and dismiss the Prime Minister, Cabinet, and upper house of Parliament, to dissolve Parliament, and to establish public policy. Appointments made by the King to high level government posts do not require legislative approval. Executive power is vested in the King (or, in his absence, in the Regent), who exercises his power through his ministers in accordance with the provisions of the Constitution.

In June 2001, the King dissolved Parliament and directed the Government to draft a new election law. In August the King again announced postponement of elections and indicated that they would be held by spring 2003. As of year's end, the King had not announced a specific date for elections and the Parliament remained dissolved.

According to the provisions of a temporary election law approved by the King in July 2001, the Parliament is composed of a 40-member Senate appointed by the King, and a popularly elected 104-member Chamber of Deputies. The Chamber of Deputies previously contained 80 members. The Parliament is empowered by the Constitution to initiate legislation, and it may approve, reject, and amend legislation proposed by the Cabinet. A group of 10 senators or deputies may submit draft bills for consideration; however, in practice legislation is initiated and drafted by the Cabinet of Ministers and submitted by the Government to Parliament for consideration.

Opposition Members of Parliament have claimed that attempts by members of the lower house to initiate legislation receive no response from the Government. The King proposes and dismisses extraordinary sessions of Parliament and may postpone regular sessions for up to 60 days. If the Government amends or enacts a law when Parliament is not in session, it must submit the law to Parliament for consideration during the next session; however, such "temporary" laws do not expire and, while technically subject to action by Parliament when it returns to session, may in practice remain in force without legislative approval.

Municipal elections in July 1999 featured the participation of the parties that had boycotted the 1997 parliamentary elections; however, low voter turnout necessitated a second day of balloting. The municipal elections were regarded generally as free and fair.

The July 2001 election law increased the number of electoral districts by redrawing district boundaries and redistributing seats among districts. The Government also included provisions, such as those requiring verification of polling results by members of the Judiciary, that are designed to increase transparency and accuracy. The voting age was lowered from 19 to 18 years. The law did not include quotas for women or opposition political parties. Observers believed that the new law continues to favor electorates in the rural and southern part of the country as well as in regions with populations known for their traditional, pro-Hashemite views.

The law retains the so-called one-man, one vote provision, which allows voters to choose only one candidate in multiple-seat districts. In the largely tribal society, citizens tend to cast their first vote for family members, and any additional votes in accordance with their political leanings. The amendment also limits representation in the largely Palestinian urban areas. As a result, the amendment in practice tended to limit the chances of other nontribal candidates, including women, Islamists, and other opposition candidates, to be elected.

From July to September 2001, the Government initiated a series of consolidations designed to merge many of the country's 328 municipalities into approximately 100. The Ministry of Municipal, Rural, and Environment Affairs stated that these mergers were taken to reduce municipal operating costs and improve local services. Opponents of the measure claimed that the consolidations were an attempt to undermine the strength of Islamist parties in local government, and that it will weaken the democratic process at the municipal level by reducing the number of locally elected officials. The IAF sought to enjoin the Government from making the consolidations, but the courts held that the IAF had no standing to initiate such an action.

Women have the right to vote, and women's groups encouraged women to vote and to be active in the political process. There was one female minister. In the previous Parliament there were two female senators, and one female member of the Chamber of Deputies.

Of the 104 seats in the lower house scheduled for election in 2003, 9 are reserved for Christians, 9 for Bedouins, and 3 for either the Circassian or Chechen ethnic minorities.

The Palestinian community, estimated at more than half of the total citizen population, contributed 6 of 28 ministers. In the most recent Parliament, 6 of 40 senators and 11 of 80 lower house deputies were of Palestinian origin. There were no Palestinians in any of the 12 governorships throughout the country. The electoral system gives greater representation to areas that have a majority of inhabitants of non-Palestinian origin.

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

Domestic and international human rights groups investigated allegations of human rights abuses and published and disseminated findings critical of govern-

ment policy. The 1999 amendments to the Press and Publications Law removed restrictions on the publication of information about the military and security services, which had prevented the publication by domestic groups of reports alleging torture and other abuses committed by the security services; however, similar restrictions still exist in the Penal Code and other laws (*see* Section 2.a.).

The local chapters of the Arab Organization for Human Rights (AOHR) and the Jordanian Human Rights Organization (JHRO) were registered with the Government. On October 29, the Ministry of Interior dissolved the Jordanian Society for Citizens' Rights (JSCR), one of the few human rights groups not affiliated with any political movements or the Government. The Government reported that it closed the NGO because of legal infractions and internal disputes related to finances. However, the JCSR claimed the closure was for political reasons, including the JCSR's reporting of Palestinian citizens losing their passports as a result of 1988 disengagement laws.

The groups drew public attention to alleged human rights abuses and a range of other political issues. They also pressed the Government either to bring formal charges against political detainees or to release them promptly. The AOHR and JSCR (before it was dissolved) published human rights reports during the year. In 2001, the AOHR asserted that the Government responds to only about 10 percent of the complaints that the NGO submits on behalf of individuals who allegedly were subjected to human rights abuses by the authorities; the JSCR claimed the Government responds to 20 percent of its cases. Before it was dissolved, the JSCR reported that the Government generally supported its public workshops during which citizens discussed their viewpoints on sensitive social and political topics. Local NGOs reported that the Government did not generally interfere with their actions. Local NGOs were not permitted to receive funds from foreign sources, and some NGO workers reported that they feared they would be accused of accepting illegal funds from abroad. In September 2000 the Jordan Press Association expelled its vice president, Nidal Mansour for allegedly receiving foreign funding for the NGO he headed, the Center for Defending Freedom of Journalists. In February 2001, the Higher Court of Justice denied Mansour's appeal of his expulsion (*see* Section 2.a.).

In March 2000 the Government formed the Royal Commission for Human Rights, chaired by Queen Rania. The mandate of the Commission is to present recommendations on reforming current laws and practices to King Abdullah and to institutionalize human rights in the country. In November 2000, the Commission sponsored two human rights awareness seminars with police and judicial officials in Amman and Aqaba. In June 2001 the Commission presented a draft law designed to create an independent National Center for Human Rights. The Government had not released the draft nor taken any further action on the legislation at the end of the year.

The Government established in 2000 the National Team for Family Protection and the Child Protection Center (*see* Section 5). The Government controlled the Parliamentary Public Freedoms Committee, the Ombudsman, and the Human Rights Office at the Prime Ministry.

The Government generally cooperated with international NGOs. The ICRC usually was permitted full and unrestricted access to detainees and prisoners, including those held by the GID and the military intelligence directorate (*see* Section 1.c.).

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

The law does not distinguish between citizens on the basis of race. However, women and some minorities were treated differently under the law and faced discrimination in employment, housing, and other areas.

Women.—Violence against women was common. Reported incidents of violence against women did not reflect the full extent of the problem. Medical experts acknowledged that spousal abuse occurred frequently. However, cultural norms discouraged victims from seeking medical or legal help, thus making it difficult to assess the extent of such abuse.

Abused women have the right to file a complaint in court against their spouses for physical abuse but in practice, familial and societal pressures discouraged them from seeking legal remedies. Marital rape is not illegal. NGOs such as the Jordanian Women's Union, which had a telephone hot-line for victims of domestic violence, provided assistance in such matters. Wife-battering technically was grounds for divorce, but a husband may seek to demonstrate that he has authority from the Koran to correct an irreligious or disobedient wife by striking her.

The Criminal Code provides for leniency for a person found guilty of committing an "honor crime," a violent assault with intent to commit murder against a female by a relative for her perceived immodest behavior or alleged sexual misconduct. Law enforcement treatment of men accused of honor crimes reflected widespread unwill-

ingness to recognize the abuse involved or to take action against the problem. Although the press was in the past reluctant to report on honor crimes, many honor crimes committed during the year were reported, including the total number of 21. The actual number of honor crimes was believed to be significantly higher. Human rights observers believed that many more such crimes were committed but not documented as honor crimes. According to women's rights activists, there was some evidence of a societal trend toward condemnation of honor crimes. However, in 2001 one forensic medical examiner estimated that 25 percent of all murders committed in the country were honor crimes. The police regularly imprisoned women who are potential victims of honor crimes for their own protection. In 2001 there were up to 40 women involuntarily detained in such "protective" custody during the year.

According to Article 340 of the Penal Code, a "crime of honor" defense may be invoked by a defendant accused of murder who "surprises his wife or any close female relative" in an act of adultery or fornication, and the perpetrator of the honor crime is judged not guilty of murder. Although few defendants are able to meet the stringent requirements for a crime of honor defense (the defendant personally must have witnessed the female victim engaging in sexual relations), most avoided trial for the crime of murder, and were tried instead on the charge of manslaughter. Even those convicted of murder rarely spent more than 2 years in prison. In contrast to honor crimes, the maximum penalty for first-degree murder is death, and the maximum penalty for second-degree murder is 15 years. Such defenses also commonly relied on the male relative having acted in the "heat of passion" upon hearing of a female relative's alleged transgression, usually without any investigation on the part of the assailant to determine the veracity of the allegation before committing the assault. Defenses in such cases fall under Article 98 of the Penal Code. In December 2001 the Government passed a temporary law amending Article 340 to apply equally to men and women. However, this legal change did not substantially affect the sentencing of perpetrators of honor crimes as no defendant in an honor crime invoked Article 340 during the year.

In February, a 37-year-old man was sentenced to 1 year in prison for killing his pregnant sister and her alleged lover. Her brother, Mohammad Ahmad shot Farjeh Ahmad, after she confessed to him that she was pregnant out of wedlock. Mohammad Ahmad subsequently shot and killed Farjeh's lover. The Criminal Court found that "Farjeh's unlawful and dangerous actions caused the defendant to lose his temper and to kill both of the victims without realizing the consequences of his actions."

In June, the Criminal Court reduced a felony charge of murder against 31-year-old Faisal Hassan to a misdemeanor, exactly 1 year after he shot and stabbed his pregnant sister. The Criminal Court reduced his charge to misdemeanor in accordance with Article 98 "because the defendant committed his crime in a fit of fury and his family dropped charges against him." Hassan was sentenced to time served and released.

In September the Court of Cassation overturned a 3-month sentence given to a 35-year old man for murdering his sister, Fadia Mohammad to "cleanse his honor." The court remanded the case to the Criminal Court with an instruction to return with a harsher sentence. On November 9, the Criminal Court imposed a 10-year prison sentence. In June 2001, Fadia Mohammad had been shot and stabbed by her brother, who killed her after learning that she was pregnant.

During the year, a 39-year-old man was formally charged with the premeditated murder of his wife. After shooting her, he subsequently surrendered to local authorities. His wife had just finished serving a 2-year prison sentence for adultery and allegedly had returned to her Egyptian lover after her release from prison. The husband found her in a busy marketplace in Irbid and shot her four times in the head.

In July 2001, a 15-year-old boy from Irbid confessed to killing his 20-year-old sister. He claimed to have acted in defense of his family's honor. The boy repeatedly struck his sister in the head with a club before covering her body in kerosene and setting it on fire. A coroner's report found that the girl had not been sexually active. Her brother surrendered himself to police and was sentenced to 4 years in juvenile detention for his crime.

There were no developments in the April 2000 death of Fathieh Mohammad, who reportedly was shot and killed by her father to "cleanse his honor." The police subsequently arrested and charged both her father and brother for the crime.

Most activists believe that even if Article 340 were repealed, honor crimes likely would persist, with sentences continuing to be reduced under Article 98.

Female Genital Mutilation (FGM) was rarely practiced. However, one southern tribe of Egyptian origin in the small village of Rahmah near Aqaba reportedly practiced FGM. In 2001, one local Mufti issued a fatwa stating that FGM "safeguards women's chastity and protects them against malignant diseases by preventing fat

excretions." However, the Mufti also stated that since FGM is not a requirement of Islam, women who do not undergo this procedure should not be embarrassed.

According to the law, sexual harassment is strictly prohibited and subject to criminal penalties including fines and imprisonment. Sexual harassment, assault, and unwelcome advances of a sexual nature against women did not appear to be widespread problems.

Women experienced legal discrimination in matters of pension and social security benefits, inheritance, divorce, ability to travel, child custody, citizenship, and the value of their Shari'a court testimony in certain limited circumstances (*see* Section 1.e.). The Government provided men with more generous social security benefits than women. The Government continued pension payments of deceased male civil servants but discontinued payments of deceased female civil servants to their heirs. Current laws and regulations governing health insurance for civil servants do not permit women to extend their health insurance coverage to dependents or spouses. However, divorced and widowed women may extend coverage to their children.

Under Shari'a as applied in the country, female heirs receive half the amount of male heirs and the non-Muslim widows of Muslim spouses have no inheritance rights. A sole female heir receives half of her parents' estate; the balance goes to designated male relatives. A sole male heir inherits both of his parents' property. Male Muslim heirs have the duty to provide for all family members who need assistance. Men are able to divorce their spouses more easily than women, although the most recent personal status law does grant women the right to bring a divorce action in certain limited circumstances (see section 2.c.). Marriage and divorce matters for Christians are adjudicated by special courts for each denomination (*see* Section 2.c.). There were 11 female judges in the country, up from 6 in 2001.

The law requires a married woman to obtain her husband's permission to obtain, but not renew, a passport (*see* Section 2.d.). Married women do not have the legal right to transmit citizenship to their children. Furthermore, women may not petition for citizenship for their non-Jordanian husbands. The husbands themselves must apply for citizenship after fulfilling a requirement of 15 years of continuous residence. Once the husbands have obtained citizenship, they may apply to transmit the citizenship to their children. However, in practice such an application may take years and, in many cases, citizenship ultimately still may be denied to the husband and children. Such children become stateless and, if they do not hold legal residency, lacked the rights of citizen children, such as the right to attend school or seek other government services.

Civil law grants women equal pay for equal work, but in practice this law often was ignored. Press and union leaders reported during the year that a small number of employers in the private sector reportedly paid their female employees well under the legal minimum wage, despite the fact that the women were under contract.

Social pressures discouraged many women from pursuing professional careers. Nonetheless, women had employment opportunities in many professions, including government, engineering, medicine, education, the military, and law. According to 2001 NGO reports, women constituted approximately 16.5 percent of the work force and 50 percent of university students. While female employees held approximately 52 and 39 percent of jobs in the education and health sectors respectively, they held only 7.5 percent of managerial posts and 10 percent of all jobs in the private sector. Women's groups stressed that the problem of discrimination was not only one of law, but also of women's lack of awareness of their rights or unwillingness to assert those rights. The Business and Professional Women's Club held seminars on women's rights and assists women in establishing small businesses. The chapter also provided several programs for potential female voters and candidates for the upcoming 2003 parliamentary elections. Members of the royal family worked actively to improve the status of women.

Children.—The Government is committed to children's rights and welfare in the areas of education and health. However, government efforts in these areas were constrained by limited financial resources. Education is compulsory until the age of 16; however, no legislation exists to enforce the law or punish guardians for violating it, and absence of children from school is without penalty. The overall school attendance rate was 92 percent and the total secondary school attendance rate was 92 percent. Since the beginning of the 1999–2000 school year, the Government denied Iraqi children admittance to public school unless they were legal residents of the country or recognized as refugees by the UNHCR (*see* Section 2.d.).

The Government attempted to address the issues of educational development and quality, and the relevance of education to job-market demand, with few concrete results. The Government also grants fee reductions and food and transportation supplements to families with many children or to very poor families to make education more affordable.

Students must obtain a good behavior certificate from the GID in order to qualify for admission under the university quota system. Activists reported that the GID sometimes withholds these certificates from deserving students due to a family member's allegedly problematic record.

The Government provided free inoculation programs typically administered through the school system for children. In addition, children had access to government-subsidized public clinics, which offer reduced fees for most services.

In March 2000, Queen Rania established the National Team for Family Protection (NTFP) to consolidate all issues concerning family safety. In August 2000, the Government opened "Dar al Amman," the nation's first child protection center. The facility provides temporary shelter, medical care, and rehabilitation for children ages 6 to 12 years who have suffered abuse.

Although the problem was difficult to quantify, social and health workers believe that there was a significant incidence of child abuse in families, and that the incidence of child sexual abuse was significantly higher than reported. The law specifies punishment for abuses against children. Rape or sodomy of a child under 15 years of age carries the death penalty.

The Family Protection Unit of the Public Security Department (PSD) works with victims and perpetrators of domestic and sexual violence. The Unit deals primarily with child and spousal abuse, providing multiple in-house services, including medical treatment for patients. The Unit cooperates with police to apprehend perpetrators of domestic violence, facilitates participation in education and rehabilitation programs, and refers patients to other facilities.

Illegitimate children are entitled to the same rights under the law as legitimate children; however, in practice, they suffered severe discrimination in a society that does not tolerate adultery or premarital sex. Most illegitimate children become wards of the State or live a meager existence on the fringes of society. In either case, their prospects for marriage and gainful employment are limited. Furthermore, illegitimate children who are not acknowledged legally by their fathers are considered stateless and are not given passports or identity numbers.

The Government attempts to safeguard some other children's rights, especially regarding child labor (*see* Section 6.d.). Although the law prohibits most children under the age of 16 from working, child vendors worked on the streets of Amman. The Ministry of Social Development has a committee to address the problem and in some cases removes the children from the streets, returns them to their families or to juvenile centers, and may provide the families with a monthly stipend. However, the children often return to the streets. Stagnant economic conditions and social disruption have caused the number of these children to increase over the last 10 years. Selling newspapers, tissues, small food items, or gum, the vendors, along with the other children who pick through trash dumpsters to find recyclable cans to sell, sometimes were the sole source of income for their families.

Persons with Disabilities.—High unemployment in the general population restricts job opportunities for persons with disabilities, estimated by the Ministry of Social Development to number 220,000. Thirteen percent of citizens with disabilities received monetary assistance from the Government. The Government passed legislation in 1993, reinforced in 2000, requiring future public buildings to accommodate the needs of persons with disabilities and to retro-fit existing public buildings; however, implementation has been slow.

The law requires that 2 percent of the available jobs be reserved for persons with physical disabilities. Private organizations and members of the royal family actively promoted programs to protect and advance the interests of persons with disabilities.

Indigenous Persons.—The country's indigenous people, nomadic Bedouin and East Bank town-dwellers, traditionally have been the backbone of popular support for the Hashemite monarchy and are represented disproportionately in senior military, security, and civil service jobs. Nevertheless, many Bedouin in rural areas were severely disadvantaged economically. Many persons of East Bank origin complained that the dynamic private sector largely is in the hands of the Palestinian majority.

National/Racial/Ethnic Minorities.—Palestinians residing in the country, who made up more than half of the population, suffered discrimination in appointments to positions in the Government and the military, in admittance to public universities, and in the granting of university scholarships. The Government granted citizenship to all Palestinians who fled to the country in the period after the 1948 Arab-Israeli war, and to a large number of refugees and displaced persons who arrived as a result of the 1967 war. However, most refugees who fled Gaza after 1967 were not entitled to citizenship and were issued 2-year passports valid for travel only. In 1995 then-King Hussein announced that West Bank residents without other travel documentation would be eligible to receive 5-year Jordanian passports. However, the

Government emphasized that these passports are for travel only and do not connote citizenship (*see* Section 2.d.).

Section 6. Worker Rights

a. The Right of Association.—Workers in the private sector and in some state-owned companies have the right to form and join unions. Unions must be registered to be considered legal. Union by-laws limit membership to citizens, effectively excluding the country's approximately 150,000 foreign workers. However, some unions represented the interests of foreign workers informally. Over 30 percent of the work force were organized into 17 unions. Although union membership in the General Federation of Jordanian Trade Unions (GFJTU), the sole trade federation, was not mandatory, all unions belonged to it. The Government subsidizes and audits the GFJTU's salaries and activities. Union officials are elected by secret ballot to 4-year terms. The Government cosponsors and approves the timing of these elections and monitors them to ensure compliance with the law. Union leaders complained about the requirement to have government oversight of their elections.

The GFJTU belongs to the Arab Labor organization, the International Confederation of Arab Trade Unions, and to the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—Unions have and exercise the right to bargain collectively. The Constitution prohibits antiunion discrimination, but the ICFTU claimed that the Government did not protect adequately employees from antiunion discrimination and that the Government has dismissed public sector employees for political reasons. Workers may lodge complaints of antiunion discrimination with the Ministry of Labor, which is authorized to order the reinstatement of employees discharged for union activities. There were no complaints of antiunion discrimination lodged with the Ministry of Labor during the year.

Labor laws mandate that workers must obtain permission from the Government in order to strike. Unions generally do not seek approval for a strike, but workers use the threat of a strike as a negotiating tactic. Strikes are prohibited if a labor dispute is under mediation or arbitration. If a settlement is not reached through mediation, the Ministry of Labor may refer the dispute to an industrial tribunal with agreement of both parties.

The tribunal is an independent arbitration panel of judges appointed by the Ministry of Labor. The decisions of the panel are legally binding. If only one party agrees, the Ministry of Labor refers the dispute to the Council of Ministers and then to Parliament. Labor law prohibits employers from dismissing a worker during a labor dispute.

During the year, there were three strikes reported in the textile sector. These employees went on strike claiming that, among other issues, the employers failed to pay wages in a timely manner. There were other labor incidents during the year in the construction and cement sectors. In most cases, labor and management reached agreements quickly, and the Government assisted in mediating disputes.

The national labor laws apply in the free trade zones in Aqaba and Zarqa. The QIZs (Qualified Industrial Zones), or export zones which produced manufactured goods with at least 8 percent Israeli input, applied national labor laws as well.

c. Prohibition of Forced or Bonded Labor.—The Constitution forbids bonded labor, except in a state of emergency such as war or natural disaster, and it generally was not practiced. However, foreign domestic servants, almost exclusively female, often were subject to coercion and abuse and, in some cases, worked under conditions that amounted to forced labor (*see* Section 6.e.). The law does not prohibit specifically forced or compulsory labor by children; however, such practices were not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Labor law forbids children under the age of 16 from being employed, except as apprentices, and prohibits children under the age of 17 from working in hazardous jobs. Children under the age of 18 may not work for more than 6 hours continuously, between the hours of 8 p.m. and 6 a.m., and during weekends, religious celebrations, or national holidays. Provisions in the labor laws do not extend to the informal sector, which consists of agriculture, domestic labor, and family businesses.

According to the law, employers who hire a child under the age of 16 must pay a fine ranging from $140 to $710 (100 to 500 dinars). The fine is doubled if the offense is repeated. However, the Government did not provide training for government officials who are responsible for enforcing child labor laws and did not enforce laws regarding child labor during the year. All child labor enforcement responsibilities rest in the hands of 85 Ministry of Labor inspectors. Government officials claimed that if children were barred from working in practice, they will lose important in-

come on which their families depend, and may turn to more serious activities, such as drug trafficking and prostitution, for income.

In late 1999, the Ministry of Labor established a new division to deal with issues of child labor. The division was established to receive, investigate, and address child labor complaints and related issues. Assistance received from the International Labor Organization (ILO) and increases in the Government's funding for the Ministry of Labor this year and in 2001, allowed the Ministry to staff the division.

Financial assistance received from ILO during the year and in 2001 supported government efforts to implement the provisions of ILO Convention 182 on Elimination of the Worst Forms of Child Labor. Government policy also facilitated the work of NGOs in this area. There were no specific mechanisms for receiving, investigating, or addressing child labor complaints relating to allegations of the worst forms of child labor.

Anecdotal evidence suggested that child labor, especially of child street vendors, was more prevalent now than it was 10 years ago due to declining economic conditions (*see* Section 5).

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

e. Acceptable Conditions of Work.—The national minimum wage was $121 (85 dinars) per month for all workers except domestic servants, those working in small family businesses and those in the agricultural sector. The national minimum wage did not provide a decent standard of living for a worker and family. The Government estimated that the poverty level was at a monthly wage of about $125 (89 dinars) per month for a family with 7.5 members. A study completed by the Ministry of Labor in July 1999 found that 18.7 percent of the population lived at or below the poverty level and that 1.5 percent lived in "abject" poverty, defined by the Government as $58 (40.5 dinars) per month for a family with 7.5 members. The Government provides minimal assistance to at least 45,000 indigent families.

The law requires overtime pay for hours worked in excess of the standard workweek, which generally is 48 hours. Hotel, restaurant, and cinema employees may work up to 54 hours per week. Workers may not work more than 10 hours in any continuous period or more than 60 hours of overtime per month. Employees are entitled to 1 day off per week.

The law specifies a number of health and safety requirements for workers, which the Ministry of Labor is authorized to enforce. The law does not require employers to report industrial accidents or occupational diseases to the Ministry of Labor. Workers do not have a statutory right to remove themselves from hazardous conditions without risking the loss of their jobs.

Labor law does not apply to the agricultural sector, small family businesses, or domestic servants. Domestic servants do not have a legal forum to address their labor grievances and have no standing to sue in court for nonpayment of wages. Abuse of domestic servants, most of whom were foreign, was widespread. Imprisonment of maids and illegal confiscation of travel documents by employers was common. Victims, who fear losing their work permits and being returned to their home country, generally did not report complaints of beatings, insufficient food, and rape to officials. Domestic servants generally were not given days off and frequently were called upon to work at any hour of the day or night.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in women or men and the practice was not known to occur. A 1926 law specifically prohibits trafficking in children. There were no reports that persons were trafficked, to, from, or within the country.

KUWAIT

Kuwait is a constitutional, hereditary amirate ruled by princes (Amirs) drawn from the Al-Sabah family. The Al-Sabahs have governed in consultation with prominent commercial families and other community leaders for over 200 years. The 1962 Constitution provides for an elected National Assembly and details the powers of the Government and the rights of citizens, although the Constitution also permits the Amir to suspend any or all of its provisions by decree. Only 14.8 percent of citizens (males over the age of 21) have the right to vote. The most recent general election, held in July 1999, was conducted as provided in the Constitution after the Amir dissolved a gridlocked National Assembly. A by-election was held in December 2000 to fill the seat of a deceased Member of Parliament (M.P.). In both cases, the election campaigns were generally considered to be free and fair; however, there were some problems. Executive and legislative leaders continued to develop political

institutions by resolving major disagreements within the framework of the Constitution and without recourse to extrajudicial measures.

Citizens do not have the right to change their government. Under the Constitution, the National Assembly has a limited role in approving the Amir's choice of Crown Prince (that is, the future Amir). If the National Assembly rejects his nominee, the Amir then submits three names, from which the Assembly must choose the new Crown Prince. The Amir traditionally has appointed the Crown Prince to be Prime Minister, although this is not mandatory; the Crown Prince appoints the members of the Government. However, the elected National Assembly has demonstrated the ability at times to influence or overturn decisions of the Government. Members regularly require ministers to appear before the full Assembly for formal question sessions when they are dissatisfied with the Government's performance. On occasion, pressure exerted by the National Assembly, including through votes of no confidence, has led to the resignation or removal of ministers. In July the Minister of Finance survived a "no-confidence" vote.

The Government bans formal political parties, and women do not have the right to vote or seek election to the National Assembly. A law promulgated in 1998 bans primaries previously conducted by religious sects and tribes. The Constitution and law provide for a degree of judicial independence; however, the Amir appoints all judges, and renewal of most judicial appointments was subject to government approval.

The national police, the Criminal Investigation Division (CID) and Kuwait State Security (KSS) were responsible for internal security under the supervision of civilian authorities of the Ministry of Interior. Members of the security forces committed a number of human rights abuses.

With large oil reserves, the economy was highly dependent on its energy sector. The Government owned the Kuwait Petroleum Corporation and, despite its stated emphasis on an open market, it dominated the local economy through direct expenditures and government-owned companies and equities. Oil revenue provided about 85 percent of total government revenues. According to government statistics, 93 percent of the indigenous workforce was employed in the public sector, while foreigners constituted 94 percent of the private sector workforce. Within a total population of 2.3 million there were 870,000 citizens who enjoyed one of the highest standards of living in the world. Domestic servants and unskilled workers often lived and worked in poor conditions.

The Government generally respected the human rights of its citizens in many areas, and there were some improvements during the year; however, its record was poor in some significant areas. Some police and members of the security forces abused detainees during interrogation. Overcrowding in the prisons continued to be a problem; however, the Government completed construction on two new prison buildings and began constructing a third.

The judiciary was subject to government influence, and a pattern of bias against foreign residents existed. The Government infringed on citizens' privacy rights in some areas. Security forces occasionally monitored the activities of persons and their communications. The Government restricted freedom of speech and the press. The Government restricted freedom of assembly and association. The Government placed some limits on freedom of religion and freedom of movement. Violence and discrimination against women, especially foreign domestic servants, were problems and discrimination against noncitizens persisted.

A problem existed with regard to the legal status of approximately 74,000 "bidoon," Arabs with residency ties but no documentation of their nationality. The Government restricted worker rights. The Labor Law did not protect domestic workers, whose situation remained poor. Unskilled foreign workers suffered from the lack of a minimum wage in the private sector, from the Government's failure to enforce the Labor Law, and at times physical abuse; some worked under conditions that, in effect, constituted indentured servitude. Young boys, usually from South Asia, were used as jockeys in camel races. Kuwait was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

The country suffered under Iraqi occupation from August 1990 to February 1991, when an international coalition expelled Iraqi forces. Many human rights violations committed by the Iraqi army during this period remained unresolved, particularly the fate of 605 citizens and other residents taken by Iraq who were still unaccounted for at year's end.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or it agents.

There were no developments in the investigations into the extrajudicial killings that occurred during the period after the country's liberation in February 1991.

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

According to the International Committee of the Red Cross (ICRC), Iraqi authorities have not accounted for 605 citizens and other residents taken prisoner during Iraq's occupation of the country. There has been no significant development since 1994 in these disappearance cases. The Government of Iraq has refused to comply with U.N. Security Council Resolution (UNSCR) 687, which stipulates the release of detainees. In 1999 Iraq ceased its participation in ICRC-sponsored talks regarding the fate of the detainees. UNSCR 1284 later that year called on Iraq to resume its cooperation with the ICRC and the Tripartite Commission on Gulf War POWs and Missing Persons (TPC). The U.N. Secretary General's special representative, Yuli Vorontsov, has repeatedly reported to the U.N. Security Council Iraq's continued refusal to cooperate with the U.N. regarding these cases. However, in December, the TPC held its first official meeting since 1998, with Iraq participating by long distance.

In connection with the case of a government official who was detained in Iraq on March 15th for inadvertently crossing the border, there were reports that indicated that there were Iraqi citizens being detained for entering the country by mistake as well.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, there continued to be credible reports that some police and members of the security forces abused detainees during interrogation. Reported mistreatment included blindfolding, verbal threats, and physical abuse. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, than on citizens.

In February a police officer was sentenced to death for the March 2001 murder of a news editor. The police officer believed that the editor had insulted the officer's tribe in articles written and published by the editor.

The Government stated that it investigates all allegations of abuse and that it has punished at least some of the offenders. However, the Government did not make public either the findings of its investigations or what, if any, punishments were imposed. This practice created a climate of impunity, which diminished deterrence against abuse.

Defendants have the right to present evidence in court that they have been mistreated during interrogation. However, the courts frequently dismissed abuse complaints because defendants were unable to provide physical evidence of abuse. Members of the security forces routinely did not reveal their identity during interrogation, a practice that further complicated confirmation of abuse.

In February security personnel allegedly abused a youth, Yousef Al-Anzi, while in police custody. Al-Anzi's family submitted a medical report to document the boy's claims. A case file was assigned to the courts and was pending judicial review at year's end. The security counsel reportedly asserted pressure on the family to withdraw the claim. Also in February, security personnel assaulted an attorney from the Criminal Security Department when he was visiting a client. He submitted a medical report detailing his injuries and filed a police complaint against the officers involved. In March, a 32-year old Egyptian man alleged that Jleeb al-Shuyoukh security personnel tortured him. On March 12th, the Kuwait Lawyers Association issued a statement condemning recent abuse of prisoners by Ministry of Interior officials.

Prison conditions, including conditions for those held for security offenses, met or exceeded international standards in terms of food, access to basic health care, scheduled family visits, cleanliness, and opportunities for work and exercise. Overcrowding in the prisons continued to be a problem; however, the Government neared completion of two new prison buildings, and finalized plans for three additional buildings. A team of three medical specialists attended the prisons weekly, a psychiatrist was on call 24 hours, and specialized health care was available from local hospitals. Approximately 1,815 men and 108 women were serving sentences or awaiting trial in prison; detainees were counted separately.

Unlike in the past, there were no reports of mistreatment of prisoners at the Talha or Central Prisons, at the Shuwaikh deportation facility, or elsewhere. An estimated 250 deportees were being held at the deportation facility in Shuwaikh; some

of these deportees have been kept there for up to 6 months waiting for their proper identity papers or for their country of nationality to accept them (*see* Section 1.d.).

In July it was reported that hundreds of prisoners at the Central Prison were infected by tuberculosis. A family of 15 tested positive for tuberculosis after visiting the Central Prison.

Drug-related offenders made up 70 percent of the Central Prison inmate population. In addition to nearing completion on the first two of five new prison buildings, the Director of Prisons also increased prison staffing, expanded the drug rehabilitation program for inmates, and increased the number of education programs available within the prisons, bringing in volunteers to teach academic and vocational classes.

In September, the Central Prison Rehabilitation Center opened. The Center offered psychological counseling and educational courses to inmates suffering from drug and alcohol addiction.

The National Assembly's Human Rights Committee closely monitored prison conditions throughout the year, and the Government allowed the International Commission of the Red Cross (ICRC) access to all prisons and detention facilities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for freedom from arbitrary arrest and detention, and the Government generally observed these prohibitions. In general, police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest (*see* Section 1.f.), although in misdemeanor cases the arresting officer may issue them. Security forces occasionally detained persons at checkpoints in Kuwait City (*see* Section 2.d.).

Under the Penal Code, those suspected of serious crimes may be held for up to 4 days without charge, during which time security officers may prevent lawyers and family members from visiting them. In such cases, lawyers are permitted to attend legal proceedings, but are not to have direct contact with their clients. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial.

Of the 2,386 persons serving sentences or being detained pending trial, 63 were being held on security grounds. Of the members of a suspected indigenous terrorist cell who were arrested on security grounds in November 2000, there is no information available on how many were acquitted of charges and released during the year. The leader of the group received a 7-year sentence in December 2000; the other three members were scheduled to face charges of conspiracy to commit murder and illegal possession of weapons.

The Government may expel noncitizens, including bidoon, if it considers them security risks. The Government also may expel foreigners if they are unable to obtain or renew work or residency permits. There were approximately 13 bidoon and 758 foreigners held in detention facilities, some of them pending deportation. Some detainees have been held for up to 6 months. Many deportation orders were issued administratively, without the benefit of a trial. However, the Government did not return deportees to their countries of origin forcibly, allowing those who object to remain in detention (*see* Section 2.d.). This practice leads to prolonged detention of deportees, particularly Iraqis, who do not wish to return to their own countries. The practice also was a factor in the complex problem faced by stateless bidoon deportees, who essentially remained in detention because their stateless condition made the execution of the deportation order impossible (*see* Sections 2.d. and 5).

The Talha Deportation Center, which had been criticized in previous years by human rights groups, formally was reconstituted as a minimum-security prison in March 2000. There were no allegations of the forced, prolonged detention of deportees in the facility during the year (*see* Section 1.c.).

The Constitution prohibits deportation or forced exile of citizens, and there were no reports of these practices. The Penal Code provides that noncitizens convicted of felonies must be deported after finishing their jail terms. However, in certain circumstances, citizens may have their citizenship revoked, including citizens sentenced for a felony during the first 10 years of attaining citizenship, citizens discharged from a public job for acts against integrity during the first 10 years of attaining citizenship, and citizens who take up residence in a foreign country and join an authority that is designed to undermine the country.

e. Denial of Fair Public Trial.—The Constitution provides for the right to a fair trial and states that "judges shall not be subject to any authority"; however, the Amir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, the majority of judges were noncitizens. Noncitizen judges hold 1- to 3-year renewable contracts, which undermined their independence. The Ministry of Justice may remove judges for cause, but rarely does so. Foreign residents involved in legal dis-

putes with citizens frequently claimed that the courts show a bias in favor of citizens.

The secular court system tries both civil and criminal cases. The Court of Cassation is the highest level of judicial appeal. Sunni and Shi'a Muslims have recourse to courts of their respective branches for family law cases. The Government established in 2000 a Shi'a appellate court that operated throughout the year. In the secular courts no groups were barred from testifying. Most courts considered men and women's testimonies equally; however, in the family courts the testimony of one man is equal to the testimony of two women.

Defendants have the right to confront their accusers and appeal verdicts. The Amir has the constitutional power to pardon or commute all sentences. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. In misdemeanor cases, defendants have the right to waive the presence of legal counsel, and the court is not required to provide counsel to indigent defendants. However, the Kuwaiti Bar Association is obligated upon court request to appoint an attorney pro bono for indigent defendants in civil, commercial, and criminal cases. While virtually all indigent criminal defendants asked for and received pro bono counsel, in practice very few indigent civil and commercial plaintiffs requested this service.

Both defendants and prosecutors may appeal court verdicts to the High Court of Appeal, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. Decisions of the High Court of Appeal may be presented to the Court of Cassation, which conducts a limited, formal review of cases to determine only whether the law was applied properly.

In March 2001 the Court of Cassation commuted a 1993 military court's death sentence to a life sentence for Alaa Hussein, head of the Iraqi-installed "provisional" government during the occupation. The Chief Justice determined that Hussein expressed guilt and remorse for his actions by returning voluntarily to the country, and in May 2000 the Court commuted his sentence from death to life. The trial appeared to have been conducted in a fair and open manner.

The Government continued to incarcerate 31 citizens, bidoon, Palestinians, and Syrians convicted of collaboration with Iraq during the 1990–1991 occupation. Under the law, such collaboration is considered a felony. Most of the persons convicted in the Martial Law Court in 1991, and the Special State Security Court, which was abolished in 1995, did not receive fair trials. Amnesty International (AI) faulted the trials in general, and particularly noted the absence of any right of appeal of the verdicts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for individual privacy and sanctity of the home. The Government generally respected these rights in practice; however, the law, which generally requires police to obtain a warrant to search both public and private property, provides for a warrantless search if alcohol or narcotics are suspected on the premises or if police are in hot pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the State Prosecutor or, in the case of searches of private property, from a judge (*see* Section 1.d.). The security forces occasionally monitored the activities of persons and their communications.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens to obtain government approval to marry foreign female citizens. Although the Government may advise men against marriage to a foreign national, there were no known cases of the Government refusing permission for such marriages. The Government advises women against marrying foreign nationals (*see* Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press, printing, and publishing "in accordance with the conditions and manner specified by law," and, with some exceptions, citizens are free to criticize the Government at public meetings and in the media; however, several laws empower the Government to impose restrictions on freedom of speech and the press, and journalists practiced self-censorship. During the year no court cases were initiated under the restrictive laws. The Government, through the Ministry of Information, practiced informal censorship by pressuring individual publishers and editors believed to have "crossed the line" in attacking government policies and discussing subjects deemed offensive to Islam, tradition, or the interests of the State.

Newspapers were privately owned and free to report on many social, economic, and political issues and frequently criticized government policies and officials, including the Crown Prince/Prime Minister. Press accounts at the beginning of the year, which questioned and criticized the Government, led to National Assembly

members calling for formal question sessions of several cabinet members. Such actions may lead to votes of no confidence against Ministers, as well as their removal from office.

The Government ended prepublication censorship in 1992, but journalists still censored themselves. The Press Law prohibits the publication of any direct criticism of the Amir, official government communications with other states, and material that served to "attack religions" or "incite people to commit crimes, create hatred, or spreads dissension among the populace." Direct criticism by the press of the Cabinet's foreign and security policy occurred during the year as in other years.

In order to begin publication of a newspaper, the publisher must obtain an operating license from the Ministry of Information. Publishers may lose their license if their publications do not appear for 6 months. This 6-month rule prevents publishers from publishing sporadically. It is not used to suspend or shut down existing newspapers. Individuals also must obtain permission from the Ministry of Information before publishing any printed material, including brochures and wall posters. There were no reported cases of the Ministry of Information denying permission to publish printed material during the year.

In January police confiscated film belonging to a press photographer who was covering a public disturbance. Police officials did not provide any explanations regarding the action taken towards the press photographer.

As of the end of 2001, two journalists Fawwaz Muhammad al-Awadi Bessisso and Ibtisam Berto Sulaiman al-Dakhil, were jailed in the country. Both had been imprisoned in June 1991 and later sentenced to life in prison because of their work with a newspaper that was published under Iraqi occupation. Both of these journalists remained in prison despite the release by royal decree of other journalists who had worked for the same newspaper. Since the Government agreed to release the two journalists if a third country would accept them, the ICRC was processing paperwork to have the two reporters deported to Ireland.

The Government did not censor foreign journalists and permitted them open access to the country.

The Government did not threaten to shut down any newspapers during the year. In 2000 the Government attempted to close two newspapers, charging them with publishing false information. After significant public criticism, particularly by the National Assembly, the Cabinet decided not to shut down the papers. The criticism led to the offer of resignation by the Cabinet in March 2000, which was not accepted at that time, and to proposals by National Assembly members to amend the constitutional article that permits government suspension of publications without review by the Assembly or the courts; however, no action was taken to amend the article.

The law requires jail terms for journalists who ridicule religion (*see* Section 2.c.). For 3 consecutive years, there have been no prosecutions of print or broadcast journalists for ridiculing religion. There were no prosecutions of persons or publishers related to book publications during the year. Under the law, any citizen may initiate a court case against an author if the citizen deems that the author has defamed Islam, the ruling family, or public morals. Often these court cases are brought for political reasons. In September 2001, a private citizen filed criminal charges against a university professor for speaking and writing about lesbianism and homosexuality; the case remained in adjournment at year's end.

The Government owned and controlled the local radio and television companies. Satellite dishes were widely available, and operated without restriction. The Ministry of Information censored all books, films, videotapes, periodicals, and other imported publications deemed morally offensive. The Ministry censored media for political content as well and did not grant licenses to magazines with a political focus. The General Organization of Printing and Publishing controlled the publication and distribution of all informational materials.

The Internet was technically accessible; however, serious consequences resulted from some forms of Internet use, and the ability of many café owners to provide the service was reportedly under threat. There reportedly are 165,000 regular Internet users, representing 8.5 percent of the total population. The Ministry of Communications issued new directives to Internet service providers to block "immoral" sites and some political sites. Internet providers responded by installing filtering technology. Each Internet service provider determined what sites to block, within the framework of censorship norms. Under pressure from Islamic members of the National Assembly, the Ministry of Communications in May conducted a raid on 19 Internet cafes on the basis that the Internet cafes were not installing filtering software to block "immoral" sites as ordered in earlier directives. As a result of the raids, the Ministry of Communications issued new rules regulating Internet usage. The new rules require café owners to obtain the names and civil ID numbers of customers

and to submit that information to the Ministry as requested. The law also establishes a $162,500 (50,000 dinars) bond. Press reports indicate that 90 percent of the Internet cafes would not be able to comply with the new law and would be forced to close their doors.

The Constitution provides for freedom of opinion and of research, and states that every person shall have the right to express and propagate his opinion verbally, in writing or otherwise. There is no formal government censorship of university teaching, research, or publication. However, academic freedom is limited by self-censorship and academics were subject to the same restraints as the media with regard to criticism of the Amir or Islam.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to assembly; however, the Government restricts this right in practice. Public gatherings must receive prior government approval, as must private gatherings of more than five persons that result in the issuance of a public statement. Informal weekly, social and political gatherings of men, known as "diwaniyas," are protected by the Constitution. Most adult male citizens, including the Amir, members of the Government, and members of the National Assembly hosted or attended diwaniyas, where topics of current interest were discussed. The diwaniya system contributed to the development of political consensus and official decision making. Women were not precluded from holding diwaniyas; however, such diwaniyas were uncommon. By tradition women were barred from male diwanyas.

The Constitution provides for the right of association; however, the Government restricted this right in practice. The Government banned political parties; however, several unofficial blocs, acting much like parties, existed and were active in the National Assembly. Candidates were allowed to run for elections only as individuals, not under the banner of any entity (*see* Section 3).

All nongovernmental organizations (NGOs) must obtain a license from the Ministry of Social Affairs and Labor in order to be recognized officially. The Government uses its power to license as a means of political control and has tightened control since October 2001. There are 74 NGOs waiting licensing by the Ministry. The Ministry has licensed 51 NGOs, including professional groups, a bar association, and scientific bodies; however, since 1985, it has issued only 5 new licenses. Licensed NGOs received government subsidies for their operating expenses, including travel and per diem expenses for participating in international conferences. The Ministry has disapproved other license requests on the grounds that previously established NGOs already provide services similar to those proposed by the petitioners (*see* Sections 2.d. and 4). Members of licensed NGOs must obtain permission from the Ministry before attending international conferences (*see* Sections 2.d. and 4). There were no cases of the Government denying or barring representatives of licensed NGOs from attending international conferences.

There are hundreds of unlicensed civic groups, clubs, and unofficial NGOs in the country. They did not receive government subsidies. In 1999, in accordance with a 1993 decree that ordered unregistered NGOs to cease activities, the Government announced a crackdown on unlicensed branches of NGOs, whose activities it previously had overlooked, including unlicensed branches of Islamic charities, and required that they cease operations by mid-September 1999. No further action was taken pursuant to the announced crackdown (*see* Sections 2.c. and 4). However, in August 2001, the Government undertook efforts to prevent unlicensed charity collections by persons fraudulently misrepresenting themselves as part of charity groups. The Government subsequently intensified its supervision of all charity groups as part of its effort to prevent any diversion of funds to terrorists. In October 2001, the Government announced that all unlicensed branches of charities would be closed by the end of the year. In August, the Acting Minister of Social Affairs and Labor issued a ministerial decree to create a charitable organizations department within the Ministry of Social Affairs and Labor. The new department will regulate domestic charities based in the country by reviewing their applications for registration, monitoring their operations, and establishing a new accounting system to comply with regulations governing charitable operations (*see* Section 2.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government places some limits on this right. The Constitution also provides that the State protect the freedom to practice religion in accordance with established customs, "provided that it does not conflict with public policy or morals." Islam is the state religion. The Constitution states that Shari'a (Islamic law) is "a main source of legislation.

The procedure for registration and licensing of religious groups was unclear. The Ministry of Awqaf and Islamic Affairs has official responsibility for overseeing religious groups. Officially recognized churches must deal with a variety of government

entities, including the Ministry of Social Affairs and Labor (for visas and residence permits for pastors and other staff) and the Municipality (for building permits). While there reportedly is no official government "list" of recognized churches, seven Christian churches have at least some type of official recognition that enables them to operate openly. These seven churches have open "files" at the Ministry of Social Affairs and Labor, allowing them to bring in the pastors and staff necessary to run their churches. Further, by tradition three of the country's churches are recognized widely as enjoying full recognition by the Government and are allowed to operate compounds officially designated as churches: the Catholic Church (which includes two separate churches, the Latin Catholic and the Maronite), the Anglican Church, and the National Evangelical Protestant Church of Kuwait. The other four churches reportedly were allowed to operate openly, hire employees, invite religious speakers, and conduct other such activities, all without interference from the Government; however, according to government records, their compounds were registered only as private homes.

The procedures for the registration and licensing of religious groups also appeared to be connected with government restrictions on NGOs, religious or otherwise. In 1993 all unlicensed organizations were ordered by the Council of Ministers to cease their activities. This order never has been enforced; however, since that time all but five applications by NGOs have been frozen (*see* Section 4). There were reports that in the last few years at least two groups have applied for permission to build their own churches, but the Government has not yet responded to their requests. In October 2001, the Government announced that all unlicensed branches of charities would be closed by the end of the year. In August, the Acting Minister of Social Affairs and Labor issued a ministerial decree to create a charitable organizations department within the Ministry of Social Affairs and Labor. The new department will regulate religious charities based in the country by reviewing their applications for registration, monitoring their operations and establishing a new accounting system to comply with regulations governing charitable operations (*see* Section 2.b.). At the end of the year, the Government announced that it would close any charities that had not obtained licenses.

The Government discriminated in some instances against the Shi'a minority. They have been disadvantaged in provision of mosques and in access to religious education. Shi'a were underrepresented in high government positions.

Shi'a were free to conduct their traditional forms of worship without government interference. However, there still were complaints regarding the scarcity of sufficient Shi'a mosques and the Government's slowness or failure to grant approval for the construction of new Shi'a mosques as well as the repair of existing mosques. There were approximately 36 Shi'a mosques serving the Shi'a population in the country, compared to 550 Sunni mosques. In 2001 the Government began to address such concerns by licensing the construction of three new mosques; two of these approved mosques were under construction at year's end.

In addition the Government took steps toward greater equality for Shi'a by instituting a separate appellate court to try Shi'a family law cases and by agreeing to establish an independent Shi'a charity authority comparable to the Sunni Awqaf and nongovernmental entities.

Shi'a leaders also have complained that Shi'a who aspire to serve as imams are forced to seek appropriate training and education abroad due to the lack of Shi'a jurisprudence courses at Kuwait University's College of Islamic Law, which only offers Sunni jurisprudence. Shi'a reportedly no longer expressed concern that proposed legislation concerning Zakat and the Islamic Penal Code failed to take into account Shi'a specific beliefs; if the laws are passed without Shi'a input, Shi'a may be excluded from enforcement measures.

Members of religions not sanctioned in the Koran, such as Sikhs, Hindus and Buddhists, may not build places of worship, but are allowed to worship privately in their homes without interference from the Government.

While some discrimination based on religion reportedly occurred on a personal level, most observers agreed that it was not widespread. There was a perception among some domestic employees and other members of the unskilled labor force, particularly nationals of Southeast Asian countries, that they would receive better treatment from employers as well as society as a whole if they converted to Islam. However, others did not see conversion to Islam as a factor in this regard.

The Catholic, Anglican, National Evangelical, Greek Orthodox, Armenian Orthodox, and Coptic Orthodox Churches were able to operate freely on their compounds, holding worship services without government interference. The leaders of these churches stated that the Government generally was supportive of the churches' presence, even providing police security and traffic direction as needed. Other Christian denominations (including Mormons, Seventh Day Adventists, Marthoma, and

Indian Orthodox), while not recognized legally, were allowed to operate in private homes or in the facilities of recognized churches without government interference, provided that they did not disturb their neighbors and did not violate laws regarding assembly and proselytizing.

The Government prohibited proselytizing Muslims; however, Christian churches may serve non-Muslim congregations. The law prohibited organized religious education other than Islam; however, this law was not enforced rigidly and such education took place. Although informal religious instruction occurred inside private homes and on church compounds without government interference, there were reports that government "inspectors" periodically visited public and private schools outside church compounds to ensure that no religious teaching other than Islam was taking place.

The Government did not permit the establishment of non-Islamic publishing companies or training institutions for clergy. Nevertheless, several churches published religious materials for use solely by their congregations. Further, some churches, in the privacy of their compounds, provided informal instruction to persons interested in joining the clergy.

A private company, the Book House Company Ltd., was permitted to import significant amounts of Bibles and other Christian religious material—including videotapes and compact discs—for use solely among the congregations of the country's recognized churches. The Book House Company was the only bookstore that had an import license to bring in such materials, which also required approval by government censors. There were reports of private citizens having non-Islamic religious materials confiscated by customs officials upon arrival at the airport.

Although there is a small community of Christian citizens, a law passed in 1980 prohibits the naturalization of non-Muslims. However, citizens who were Christians before 1980 (and children born to families of such citizens since that date), were allowed to transmit their citizenship to their children.

According to the law, a non-Muslim man must convert to Islam when he marries a Muslim woman if the marriage is to be legal in the country. The law forbids marriage between Muslim women and non-Muslim men (*see* Section 1.f.). A non-Muslim woman does not have to convert to Islam to marry a Muslim man, but it is to her advantage to do so. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of children, even those who most likely would have been left in the mother's custody if she were Muslim.

The law requires jail terms for journalists who ridicule religion (*see* Section 2.a.). However, unlike in previous years, there were no cases during the year of writers being threatened or charged with publishing opinions unmindful of Islamic norms.

The Papal Nuncio resided in Kuwait City and also represented Vatican interests in the other Gulf States and Yemen. The Church viewed the Government's establishing relations with the Vatican as significant in terms of government tolerance of Christianity.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution does not provide for the rights of freedom of movement, freedom of travel, and freedom to immigrate. The Government placed some limits on freedom of movement. Citizens have the right to travel freely within the country and to change their workplace as desired. Unmarried women 21 years of age and older were free to obtain a passport and travel abroad at any time; however, married women who apply for passports must obtain their husbands' signatures on the application form. Once she has a passport, a married woman does not need her husband's permission to travel, but he may prevent her departure from the country by contacting the immigration authorities and placing a 24-hour travel ban on her. After this 24-hour period, a court order is required if the husband still wishes to prevent his wife from leaving the country. All minor children must have their father's permission to travel outside of the country. Citizens were free to emigrate and to return. Security forces in Kuwait City occasionally set up checkpoints at which they may detain individuals (*see* Section 1.d.). The checkpoints were mainly for immigration purposes and were used to apprehend undocumented aliens. In July the Ministry of the Interior allowed expatriates a 45-day grace period to legalize their residency status or to depart the country without facing possible legal action.

The law permits the Government to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. Members of licensed NGOs must obtain government approval to attend international conferences as official representatives of the NGO (*see* Sections 2.b. and 4). The Government severely restricted the ability of its bidoon population to travel abroad (*see* Sections 2.d. and 5). In January

a bidoon was arrested at a border post and charged with attempting to leave the country illegally.

The Government has abandoned its previous policy of limiting the presence of workers from nations whose leaders had supported Iraq in the Gulf War. In August 2001, the Interior Minister announced that there were no longer any special restrictions or permits required for Palestinian workers wishing to return to the country. At year's end, there were approximately 30,000 to 40,000 Palestinians, 30,000 to 40,000 Jordanians, and 4,000 Yemenis resident in the country.

While the Government permitted the ICRC to verify if deportees objected to returning to their countries of origin, it detained those with objections until they either changed their minds or made alternative arrangements to travel to another country (*see* Section 1.d.).

There was no legislation governing refugees, asylees, or first asylum, and no clear standard procedure for processing a person's claim to be a refugee. The Constitution prohibits the extradition of political refugees. The Government stated that it did not deport anyone who claimed a fear of persecution in their home country, but it often kept such persons in detention rather than grant them permission to live and work in the country (*see* Section 1.d.). There were no reports of the forced return of persons to a country where they feared persecution. The U.N. High Commissioner for Refugees (UNHCR) maintained an office in the country and had access to refugees in detention.

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

Citizens do not have the right to change their government. Under the Constitution, the National Assembly has a limited role in approving the Amir's choice of Crown Prince (the future Amir). If the Assembly rejects the Amir's nominee, the Amir then submits three names from which the Assembly must choose the new Crown Prince. There is no universal suffrage; only about 14.8 percent of citizens have the right to vote. Women, and citizens naturalized for less than 20 years, may not vote or seek election to the National Assembly. Members of the armed forces, police, and other uniformed personnel of the Ministry of Interior are prohibited from voting or seeking election to the National Assembly.

Under the Constitution, the Amir holds executive power and shares legislative power with the National Assembly. The Prime Minister is appointed by the Amir and presides over a 16-member cabinet, which he chooses in consultation with the Amir. In accordance with the practice of the ruling family (but not specifically the Constitution), the Prime Minister always has been the Crown Prince. The Constitution empowers the Amir to suspend its provisions and to rule by decree. The Amir suspended constitutional provisions and dissolved the National Assembly from 1976–81, and in 1986 the Amir effectively dissolved the Assembly by suspending the constitutional provisions on the Assembly's election. The Assembly remained dissolved until 1992, when elections were held. Since 1992 the constitutional provisions with respect to the Assembly have been observed. The Constitution provides that cabinet members sit in the National Assembly and may vote on legislation. At least one member of the Cabinet must be an elected member of the National Assembly.

There were 50 elected National Assembly members. Members served 4-year terms, and National Assembly elections have been held on schedule since 1992. The Government banned political parties; however, several well-organized and unofficial blocs, acting much as political parties, existed and were active in the National Assembly. The Government acknowledged and, at times, worked with these blocs, which were organized on the basis of common ideological goals. Most political blocs joined to form coalitions during the year. The coalitions issued platforms and expressed an intention to run together in the next elections. Several called for formal recognition as political parties, although the Government indicated that it was not prepared to acknowledge them as such. Because of the ban on political parties, Assembly candidates must nominate themselves.

The Constitution empowers the National Assembly to overturn any amiri decrees made during its dissolution, and the Assembly has done so in some cases. During its first session of 1999, the National Assembly rejected 35 of 60 amiri decrees issued during the dissolution of the Assembly, including the decree providing for women's political rights. The National Assembly did not amend any amiri proposals during the year.

In December 2000, a by-election was held to fill the seat of a deceased assembly member. The election campaign was considered generally free and fair. Press reports cited allegations of vote buying leveled at the candidate who won the election; however no official accusations were made.

In February 2001, the Cabinet resigned after a number of its members were scheduled for intense formal questioning by the National Assembly. At the request of the Amir, the Prime Minister formed a new government that included changes in key ministerial positions.

In October 2001, various assembly members proposed formal questioning of four ministers. In the most serious case, the Minister of Oil was accused of being an agent for a foreign petroleum company because his wife was allegedly on the company's payroll. Liberal assembly members complained that Islamists were using the threat of formal questioning to change government policy on specific issues, such as regulation of Islamic charities and gender segregation.

Women did not have the right to vote and had little opportunity to influence government. A May 1999 amiri decree gave women the right to vote, to seek election to the National Assembly beginning with the National Assembly election scheduled for 2003, and to hold cabinet office. However, in November 1999, the Parliament vetoed the May decree, based in part on the Amir having bypassed the Assembly by introducing the change while the Assembly was not in session and in part on traditionalist resistance to women's suffrage. Shortly thereafter members of the Assembly introduced identical legislation, but it also was defeated. No new legislation has been introduced by either the Government or by assembly members. In June 2001, a poll of university students showed that 84 percent of female students and 65 percent of male students favored women's suffrage. Women did hold some relatively senior nonpolitical positions within some ministries.

There was one Shi'a member of the Cabinet, the Minister of Commerce. Of 50 National Assembly members, 6 were Shi'a, as was the armed forces Chief of Staff.

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

The Government continued its practice of preventing the establishment of new local human rights groups by not approving their requests for licenses (*see* Section 2.b.). Since 1985 the Government has issued only five licenses. The only local human rights NGO in operation was the Kuwait Human Rights Society. The Government refused other license requests on the grounds that previously established NGOs already provided services similar to those proposed by the petitioners. Members of licensed NGOs must obtain permission from the Government to attend international conferences as official representatives of the NGO; however, there were no cases of NGOs being restricted from attending any conference during the year (*see* Sections 2.b. and 2.d.). NGOs cannot receive foreign funding without government authorization.

The Government has not shut down any unlicensed NGOs since early 2000. In August 2001, the Government began prohibiting public collection boxes for unlicensed Islamic charities to prevent potential misuse of funds (*see* Sections 2.b. and 2.c.).

The Government permitted international human rights organizations to visit the country and to establish offices. Several organizations conducted fieldwork and reported excellent communication with and reasonable cooperation from the Government. For example, AI and Human Rights Watch regularly exchanged information with the Government either directly or through the Arab Human Rights Organization.

The Government has cooperated fully in the work of the U.N. Special Rapporteurs for Iran and Iraq and the high-level representative of the Secretary General on the issue of its citizens missing in Iraq since the end of the Gulf War. In 2000 the Government submitted its first periodic report on the implementation of the International Covenant on Civil and Political Rights.

The Government cooperated closely with the International Labor Organization (ILO), which sent two senior officials in November 2001 to advise them on how to improve the labor situation within the country. At the ILO's urging, the Government agreed to ratify the remaining two of eight conventions from the ILO's Declaration of Basic Rights at Work. The Ministry of Social Affairs and Labor approved the provisions, which were being reviewed by the Legal Advice and Legislation Department at year's end.

The National Assembly has an active Human Rights Committee, which took testimony from individuals regarding abuses, investigated conditions in prisons and nursing homes, and made nonbinding recommendations for redress. Despite its designation as an advisory body, the Human Rights Committee has shown that, in practice, it is able to mobilize government agencies to address significant human rights problems. In July 2001, the committee announced that it would publish an annual report on human rights in the country; however the report had not been published at year's end.

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

The Constitution prohibits discrimination based on race, national origin, language, or religion. However, many laws and regulations discriminated against women and noncitizens, who faced widespread social, economic, and legal discrimination.

Women.—Violence against women was a problem. Each of the country's 50 police stations reportedly received on average 1 to 2 complaints of spousal abuse each week, although this may be understated. Of the complaints received, approximately 60 percent involved spousal abuse of noncitizen women. The police and the courts generally sought to resolve family disputes informally. The police referred serious cases to the Ministry of Health. The courts have found husbands guilty of spousal abuse.

Rape and sexual assault remained serious problems, particularly for foreign domestic servants or unskilled workers. The police occasionally arrested rapists who held their victims for a period of days, raping them repeatedly. The law provides that citizens found guilty of crimes that violate moral integrity, such as rape or incest, are forbidden from holding public jobs. In January, the court upheld a 15-year prison sentence handed down to a police officer who kidnaped and raped a woman. In June, three Bangladeshi men convicted of the 1996 rape and murder of a Sri Lankan housemaid were hanged. There were 10 reported incidents of gang rape during the year.

Some employers physically abused foreign women working as domestic servants, and, despite economic and social difficulties for a domestic servant who lodged a complaint, there were continuing reports of the rape of such women by male employers and male coworkers. The local press devoted considerable attention to the problem, and both the police and the courts have taken action against employers when presented with evidence of serious abuse. Some rapes resulted in unwanted pregnancies. There were reports of domestic servants killing children that were fathered by employers. Occasionally, domestic workers were charged with assaulting their employers; in such cases, the workers claimed that they acted in response to physical abuse or poor working conditions. There were also dozens of reports of domestic workers committing or attempting to commit suicide because of desperation over poor working conditions. In general these involved hanging or jumping from windows.

Foreign-born domestic employees have the right to sue their employers for abuse, but few do so, fearing judicial bias and deportation. A specialized police facility investigated some complaints and provided some shelter for runaway maids (*see* Sections 6.c. and 6.e.).

There were a number of pending cases in which foreign-born domestic employees were tortured, severely beaten, or died at the hands of their employers. In April, an Indian maid was beaten severely and tortured over a period of several months by her sponsor's family members, including the children of the sponsor. The maid suffered severe head trauma that included nearly having her ear amputated at the hands of the sponsor's family. The wife of the sponsor was arrested and was awaiting trial at year's end. The maid has since returned to her home in India. The case prompted considerable public concern.

In April, a citizen woman was sentenced to 7 years in jail for beating her Indonesian maid to death with a vacuum cleaner. Three of her children were acquitted. There were no new developments in the kidnap, rape, torture, and beating of a group of four domestic workers allegedly by state security employees in June 2000.

Runaway servants, including many women alleging physical or sexual abuse, often seek shelter at their country's embassy for repatriation or a change in employers (*see* Sections 6.c. and 6.e.). At any given time, nearly 1,000 women were reported to be in embassy shelters.

Unemployed, runaway foreign domestic workers were susceptible to recruitment into prostitution. The police actively enforced laws against pandering and prostitution, with arrests reported almost every week. Prostitutes generally were deported to their countries of origin. In recent years, procurers received stiff jail terms. There were at least three reports during the year of procurers kidnaping maids off the street and forcing them into prostitution.

"Honor" crimes are not considered acceptable and there is no provision in the Criminal Code that allows for leniency in such cases. In May, three men and one woman were arrested for taking part in an 'honor killing' that resulted in the death of a 6-year old female citizen. The killing was allegedly planned to avenge the honor of the arrested woman's family after it was discovered that the woman had a sexual relationship with the victim's brother. The case was under appeal at year's end.

There have also been reports of women, mainly from Asia who have been trafficked and brought into the country to work as prostitutes. Many had initially been brought to the country as domestic servants (*see* Section 6.f.).

Women continued to experience legal and social discrimination. Women are denied the right to vote (*see* Section 3). Their testimony is worth half that of a man's in proceedings before the family courts (*see* Section 1.e.). Married women require their husbands' permission to obtain a passport (*see* Section 2.d.). By law only men are able to confer citizenship; therefore, children born to citizen mothers and stateless fathers are themselves stateless. The Government forbids marriage between Muslim women and non-Muslim men (*see* Sections 1.f. and 2.c.). Inheritance is governed by Islamic law, which differs according to the branch of Islam. In the absence of a direct male heir, Shi'a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

In January, the Undersecretary of the Ministry of Education stated that the election law was the main hurdle to women's political rights. In February the Court of First Instance postponed a decision on the case of two women seeking the right to vote. On February 18, women participated in a march to be included in the electoral rolls. In March, the Interior and Defense Committee of the National Assembly rejected the women's suffrage bill on the basis that the Legislative and Legal Committee already had rejected it. In April the court postponed the case of a woman suing to register her name on the electoral roll.

Women traditionally are restrained from choosing certain roles in society, and the law restricted women from working in "dangerous industries" and trades "harmful" to health. However, almost all citizens worked for the state in office jobs. Educated women maintained that the conservative nature of society limited career opportunities. An estimated 33 percent of citizen women of working age were employed. The law provided for "remuneration equal to that of a man provided she does the same work." This provision was respected in practice. A few women have been appointed to senior positions in the Ministry of Education, the Ministry of Planning, and the state-owned Kuwaiti Petroleum Corporation. There was one female ambassador and two female undersecretaries; however, there were no female judges or prosecutors.

There is no specific law that addressed "sexual harassment"; however, it was not reported to be a problem other than for domestic servants.

In cases of divorce, the Government makes family entitlement payments to the divorced husband, who is expected by law and custom to provide for his children even though custody of minor children usually was given to the mother. The law discriminated against women married to foreign men. Such women are not entitled to government housing subsidies, which are available to male citizens. The law also requires women to pay residence fees for their husbands and does not recognize marriage as the basis for granting residency to foreign-born husbands. Instead the law grants residency only if the husband is employed. By contrast male citizens married to foreign-born women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

In response to pressure from the National Assembly to comply with a law passed in 1996, the university increased the number of classes segregated by gender. Although deans have the option to leave higher level classes mixed if it can be justified because of lack of professors or classroom space, the number of mixed classes dropped during the year, and all freshman and sophomore classes are segregated by gender.

Polygyny is legal; however, it was more common among tribal elements of the population.

There were several women's organizations that followed women's issues, among the most active of which were the Women's Cultural and Social Society (WCSS) and the Women's Affairs Committee.

Children.—The Government is committed to the welfare of children. Citizen boys and girls received a free education, which extended through the university level, including advanced degrees. The Government provided free health care and a variety of other services to citizen children; noncitizen children must pay a small fee to be admitted into a health facility and additional fees for specialized care. Citizen parents also received a monthly government allowance for each child.

The marriage of girls under the age of 17 was uncommon among the urban population but remained a practice of the Bedouins in outlying areas. There were credible reports of underage South Asian and Southeast Asian girls working as domestic servants (*see* Sections 6.c. and 6.d.).

Young boys from Bangladesh, Sudan, Eritrea are brought into the country to be used as camel jockeys (*see* Sections 6.c., and 6.d.). Many of the jockeys came to the country from racing during the season in other Gulf nations.

There is no societal pattern of abuse of children; however, there were some cases of male youths, some as young as 6 years old, raped by men or gangs of other male youths. There were incidents of arrests in some cases, but no convictions were reported.

Persons with Disabilities.—There was no institutionalized discrimination against persons with disabilities in employment, education, or in the provision of state services. Legislation passed by the National Assembly in 1996 mandated accessibility for persons with disabilities to all public facilities, and provided an affirmative action employment program for persons with disabilities. However, this law has not been implemented fully. The law prohibits discrimination against persons with disabilities and imposes penalties against employers who refrained from hiring persons with disabilities without reasonable cause. The Government paid extensive stipends to citizens with disabilities, which covered transportation, housing, job training, and social welfare. There were no similar provisions for noncitizens.

National/Racial/Ethnic Minorities.—The plight of the 74,000 bidoon remained a significant problem, and the Government continued to address the issue. The bidoon (a term meaning "without") are Arabs who have residency ties to the country—some going back for generations, some for briefer periods—but who have no documentation of their nationality. The bidoon have been the objects of harsh government policy since the mid-1980s. Since 1985 the Government has eliminated the bidoon from the census rolls, discontinued their access to government jobs and free education, and sought to deport many. In 1993 the Government decreed that bidoon males no longer would be allowed to serve in the military; however, in July 2001, the Minister of Defense suspended action to force bidoon to resign from the Army. The Government has denied bidoon official documents such as birth certificates, marriage certificates, civil identification, and drivers' licenses, which made it difficult for many unregistered bidoon, particularly young bidoon, to find employment. Bidoon paid more for medical care than citizens do, although less than residents of other countries. The Government did not issue travel documents to bidoon routinely, and if bidoon traveled abroad without documentation, they risked being barred from returning to the country unless they received advance permission from the immigration authorities. Marriages posed special hardships because the offspring of male bidoon inherited the father's undetermined legal status.

A law passed in June 2000 required bidoon to register by June 27, 2000 to begin the process under which they could be documented as citizens. The law provided that bidoon who were able to prove sufficient ties to the country (that is, their presence, or the presence of their forebears, in the country prior to 1965) were eligible to apply for citizenship directly. The Government currently has 122,216 bidoon cases on file. Of these, 30,824 officially have registered as bidoon and may be naturalized directly from bidoon status, if they are able to prove Kuwaiti nationality. However, the Government maintained that at least 40 to 50 percent of the bidoon were concealing their true identities. While the law allows up to 2,000 registered bidoon to be naturalized each year, the Government only granted citizenship to 1,647 during the year. However, an additional 5,500 bidoon in 3 categories—wives of citizens, sons of female citizens married to bidoon, and those whose male relatives are citizens—have been permitted to apply for citizenship beyond the 2,000 per year limit.

The Government has not stated clearly what will happen to bidoon unable to provide documentation proving sufficient ties. An Executive Committee in Charge of the Bidoon under the Ministry of Interior has been designated to resolve the issue. The Government had stated that those who did not register by the June 27, 2000 cut-off date and who did not rectify their status will be subject to deportation as illegal residents; however, no such action was taken during the year. There were no reports during the year that the Government decided the nationality of any bidoon without a hearing. As a result of what allegedly were fraudulent applications, the Government brought forgery charges against 108 bidoon applicants for naturalization since July 2001. The only forgery conviction was in 2001.

Since July 2000, when the new law went into effect, 5,312 bidoon have been documented as citizens of other countries. Most have admitted to Saudi or Syrian origin. Once documented, bidoon are able to obtain residency permits and other official papers. However, there also were credible reports of government authorities encouraging bidoon to purchase counterfeit passports in order to establish a claim to an alternate nationality.

In June, the Council of Ministers and the Amir discussed a draft law which would require bidoon to submit a passport with a valid permit when applying for Kuwaiti citizenship. The Council of Ministers and the Amir approved the draft law and referred it to the National Assembly for ratification. A final vote on the law had not yet taken place by year's end.

Section 6. Worker Rights

a. The Right of Association.—Workers had the right to join unions. Nonetheless, the Government restricted the right of freedom of association by stipulating that there be only one union per occupational trade, and that unions may establish only one federation. The International Labor Organization (ILO) has long criticized such restrictions.

Approximately 60,000 persons, less than 5 percent of a total work force of 1.27 million, were organized into unions, of which 14 were affiliated with the Kuwait Trade Union Federation (KTUF), the sole legal trade union federation. The Bank Workers Union and the Kuwait Airways Workers Union were independent of the KTUF. The law stipulates that any new union must include at least 100 workers, 15 of whom must be citizens. Both the ILO and the International Confederation of Free Trade Unions (ICFTU) have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and the domestic servant sector. Only 5.6 percent of employed citizens worked in the private sector. Despite KTUF complaints about the need for an updated law, draft proposals for a new labor law have remained under consideration for more than 10 years.

A new draft Labor Law was submitted in November 2001 to the Council of Ministers. At year's end, the Council of Ministers Legal Affairs Committee was examining it.

The Government's pervasive oversight powers further eroded union independence. The Government subsidizes as much as 90 percent of most union budgets and may inspect the financial records of any union. The ILO has criticized the legal prohibition on any union from engaging in political or religious activities, which are vaguely defined. The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals," although such a court decision may be appealed. The Amir also may dissolve a union by decree. By law the Ministry of Social Affairs and Labor is authorized to seize the assets of any dissolved union. The ILO has criticized this aspect of the law. Although no union has been dissolved, the law subordinates the legal existence of the unions to the power of the State.

According to government statistics published during the year, 1,021,481 foreigners were employed in the country. They constituted over 80 percent of the work force but less than 5 percent of the unionized work force. The Labor Law discriminated against foreign workers by denying them voting rights and by permitting them to join unions only after 5 years of residence, although the KTUF stated that this requirement was not enforced. The KTUF administered an Expatriate Labor Office, which was authorized to investigate complaints of foreign laborers and provide them with free legal advice. Any foreign worker covered under the Labor Law, which excluded domestic servants, could submit a grievance to the Labor Office regardless of union status. However, such services were not utilized widely.

In November 2001, two senior members of the ILO Secretariat advised the Government on how to improve its labor situation, including ratification of the remaining two of eight conventions from the ILO's Declaration of Basic Rights at Work. The Ministry of Social Affairs and Labor approved the provisions, which were under review by the Legal Advice and Legislation Department at year's end. In addition to other areas of ongoing concern, ILO officials also pointed to problem areas where the Government could make improvements, including low wages and widespread abuse of domestic servants, and the lack of a minimum wage for workers, who must pay health, education, and other fees to the Government. The ILO officials commended the Government for progress in increased freedoms for existing trade unions and improved rights for workers, such as sick leave and end-of-service benefits.

The Labor Law prohibits antiunion discrimination. Any worker who alleges antiunion discrimination has the right to appeal to the judiciary. There were no reports of discrimination against employees based on their affiliation with a union. Employers found guilty of antiunion discrimination must reinstate workers fired for union activities.

Unions may affiliate with international bodies. The KTUF belonged to the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—Workers have the right to organize and bargain collectively, subject to certain restrictions (*see* Section 6.a.). These rights have been incorporated in the Labor Law and, according to all reports, have been respected in practice.

The Labor Law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most disagreements were resolved in such negotiations; if not, either party may petition the Ministry of Social Affairs and Labor for mediation. If mediation fails, the dispute is referred to a labor arbitration board, which is composed of officials from the High Court of Appeals, the Attorney General's office, and the Ministry of Social Affairs and Labor.

The Civil Service Law makes no provision for collective bargaining between government workers and their employer. Technically, wages and conditions of employment for civil service workers are established by the Government, but in practice, the Government sets the benefit scales after conducting informal meetings with officials from the civil service unions. Union officials resolved most issues at the working level and had regular access to senior officials.

The law limits the right to strike. It requires that all labor disputes must be referred to compulsory arbitration if labor and management are unable to reach a solution. The law does not contain any provision ensuring strikers freedom from legal or administrative action taken against them by the State. However, the Ministry of Labor and Social Affairs has proved responsive to sit-ins or protests by workers who faced obvious wrongdoing by their employers.

There were no strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced labor "except in cases specified by law for national emergency and with just remuneration"; however, many unskilled foreign workers were treated like indentured servants (*see* Section 6.e.). The Constitution prohibits forced and bonded labor by children. However, there were reports of young boys being used as camel jockeys, as well as of underage girls working as domestic servants (*see* Sections 5 and 6.d.).

Foreign workers generally may not change their employment without permission from their original sponsors unless they have been in the country for more than 2 years. Domestic workers particularly were vulnerable to abuses stemming from restrictions on transferring sponsorship because the Labor Law does not protect them. In many cases employers exercised control over their servants by withholding their passports, although the Government prohibits this practice, and in some instances acted to retrieve the passports of maids involved in disputes.

Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants. They frequently faced poor working conditions and at times encountered physical abuse (*see* Sections 5 and 6.e.). Domestic servants who ran away from their employers could be treated as criminals under the law. However, the authorities usually did not enforce this provision. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country.

There were credible reports of widespread visa trading, a system by which sponsors agreed to extend their sponsorship to workers outside of the country in exchange for a fee of $1,500 to $4,000 (451 to 1202 dinars). Middlemen, generally foreigners, used the promise of Kuwaiti sponsorship to attract workers from economically depressed countries, taking a commission and remitting the rest to the nominal sponsor. Once in the country, such workers were passed on to employers in the informal sector or found employment with parties that would otherwise be unable to sponsor them. Foreign workers who were recruited with these traded visas not only faced possible prosecution for being engaged in illegal employment (that is, working for an employer other than their sponsor), but also left themselves extremely vulnerable to extortion by employers, sponsors, and middlemen. Visa trading has resulted in growing numbers of unemployed foreign workers who buy visas to enter the country and then are unable to find work. Government efforts to crack down on visa trading, such as closing front companies for visa traders, have not made significant progress. There were laws aimed at curbing visa trading, with penalties against both employers and visa traders, but the laws seldom were enforced. Unlike in previous years, there were no cases of enforcement.

For over 10 years, the ILO has criticized a 1979 legislative decree that requires prior authorization for public meetings and gatherings, and provides for a penalty of imprisonment including an obligation to work in a vocation of the prisoner's choosing within the prison system. The ILO also was critical of a 1980 legislative decree respecting security, order, and discipline aboard ships, breaches of which also may be punished by imprisonment with an obligation to work.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age is 18 years for all forms of work, both full- and part-time. Employers may obtain permits from the Ministry of Social Affairs and Labor to employ juveniles between the ages of 14 and 18 in certain trades. Juveniles may work a max-

imum of 6 hours a day on the condition that they work no more than 4 consecutive hours followed by a 1-hour rest period.

Article 42 of the Constitution prohibits forced labor, including forced or bonded labor by children. In addition, the Labor Law prohibits child labor, forced or compulsory labor, and exploitation of workers. The Government has ratified 14 ILO conventions, including the conventions prohibiting servitude and forced labor, and its Labor Law enforced these conventions. Child labor was rare in the country; however, some South Asian and Southeast Asian domestic servants were under age 18 (*see* Sections 5 and 6.c.). Such underage workers reportedly falsified their ages in order to enter the country. There were reports of young boys being used as camel jockeys (*see* Sections 5 and 6.c.). Some small businessmen employed their children on a part-time basis.

e. Acceptable Conditions of Work.—The Ministry of Social Affairs and Labor is responsible for enforcing all labor laws. An informal two-tiered labor market ensured high wages for citizen employees, most of whom were in government white collar or executive positions, while foreign workers, even those in skilled positions, received substantially lower wages. In June 2001, the visiting Bangladeshi Foreign Minister reported that Bangladeshi domestic workers earned as little as $70 per month (21 dinars). There was no legal minimum wage in the private sector. In the public sector, the monthly minimum wage was approximately $753 (227 dinars) for citizens and approximately $300 (90 dinars) for noncitizens. However, noncitizens did not receive the same social benefits as citizens and must pay fees for education and health care, which were provided free for all citizens. Private sector wages ranged from $10,000 (3,000 dinars) each month for top managers of large companies to between $500 to $2500 (150 to 750 dinars) for other skilled professionals and nonskilled workers. The public sector minimum wage provided a decent standard of living for a worker and family. Wages of unskilled workers in the private sector did not always provide a decent standard of living, with housemaids often making less than $115 (35 dinars) per month. To be eligible to sponsor family members for residency, government and private sector workers must receive a minimum wage of $1,500 (450 dinars) per month; this figure represented an 11 percent increase from 2001.

The Labor Law establishes general conditions of work for the private sector, with the oil industry treated separately. The Civil Service Law also prescribes additional conditions for the public sector, which consisted almost entirely of citizen workers. The Labor Law limits the standard work week to 48 hours with 1 full day of rest per week, provides for a minimum of 14 workdays of leave each year, and establishes a compensation schedule for industrial accidents. In July 2001, the Government initiated a new program of unemployment allowances for citizen graduates who are unable to find jobs in the public sector or with private companies, providing regular payments until such positions are found. Domestic servants, who specifically were excluded from the Labor Law, frequently worked long hours, greatly in excess of 48 hours.

The ILO has urged the Government to extend the weekly 24-consecutive-hour rest period to temporary workers employed for a period of less than 6 months and workers in enterprises employing fewer than five persons. The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing work conditions were not applied uniformly to foreign workers.

The Government has issued occupational health and safety standards; however, compliance and enforcement appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the Government periodically inspected installations to raise awareness among workers and employers, and to ensure that they abided by the safety rules, controlled the pollution resulting from certain dangerous industries, trained workers who use new machines in specialized institutes, and reported violations. Workers had the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. However, the Government never has devoted sufficient attention to worker safety issues, which has resulted in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

While the law mandates that all outdoor work stop in the event that the temperature rises above 122 degrees Fahrenheit, there were allegations that the Government's meteorological division falsified official readings to allow work to proceed; however, the Meteorological Division consistently has denied these allegations. During the months of July and August 2001, the official temperature was documented above 122 degrees Fahrenheit on several occasions, but work reportedly continued at many outdoor locations. At the Ahmadi Port refinery, work continued in intense heat despite the collapse of three workers. Refinery shift supervisors reportedly

asked for postponement of outdoor activities until the evening, but management refused their request.

Employers often exploited workers' willingness to accept substandard conditions. Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants, were unaware of their legal rights, and generally lacked the means to pursue a legal remedy. They frequently faced contractual disputes and poor working conditions, and may face physical and sexual abuse (*see* Sections 5 and 6.c.). Most were in debt to their employers before they arrived in the country and had little choice but to accept the employer's conditions, even if they breached the contractual terms. It was not uncommon for wages to be withheld for a period of months, or to be decreased substantially. Many foreign workers were forced to live in "housing camps," which generally were overcrowded and lacked adequate cooking and bathroom facilities. Workers were housed 10 or more to a room in squalid conditions, many without access to adequate running water. The workers were only allowed off the camp compound on company transport or by permission of the employer. Foreign workers' ability to change their employment was limited, and, in some cases, employers' possession of foreign workers' passports allowed them to exercise control over such employees (*see* Section 6.c). Many foreign workers went heavily into debt and could not afford to return home.

The Labor Law discriminates against foreign workers by limiting their ability to join unions (*see* Section 6.a.). The KTUF administered an Expatriate Labor Office, which was authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services were not utilized widely. Any foreign worker could submit a grievance to the labor office regardless of union status.

The Labor Law provides for employer-provided medical care and compensation to both citizen and foreign workers disabled by injury or disease due to job-related causes. Once a worker files a claim, the courts decide the amount of compensation, which is paid in one lump sum rather than monthly payments. Workers, especially foreigners, have had difficulty enforcing such decisions. The law also requires that employers provide periodic medical examinations to workers exposed to environmental hazards on the job, such as chemicals and asbestos. Foreigners must pay high fees for medical care, both yearly and each time medical care is provided. Many employers deducted the medical fees from employees' salaries. Adequate and affordable health care remained a problem for many foreign workers. No health insurance system existed.

Domestic servants were not covered under the Labor Law. Those who flee their employers may be treated as criminals, although the authorities usually did not prosecute them. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country. It is also a common practice for employers illegally to withhold their passports. Maids paid the same amount or more than other unskilled or semiskilled workers for visas to work in the country.

Runaway servants often sought help at their country's embassy for either repatriation or assistance in dealing with employers. The numbers of servants in need of assistance remained high during the year as conditions for domestic employees remained poor.

Although most such workers sought shelter due to contractual or financial problems with their employers, some women also alleged physical and sexual abuse. Some embassies continued to report the steady occurrence of physical abuse and mistreatment involving domestic servants, including withheld salaries, overwork, and not being fed regularly or enough. Each government has attempted to register its nationals who arrive to work in the country as domestic employees and to regulate recruiting agents in their home countries, without much success. Limited services provided by the police facility designated to mediate among embassies, domestic workers, and employers made it very difficult for domestic servants to file complaints, receive withheld salary, or reach settlement in cases of mistreatment. Domestic servants must deal with neighborhood police stations, whose personnel are untrained and inexperienced in handling their cases and often side with the employer (*see* Sections 5 and 6.c.).

Some countries either have warned their female citizens about such work conditions or banned them altogether from working in the country as domestic servants. The Government of India officially banned its nationals from working in the country as domestic employees, but Indian nationals still buy visas and enter the country as domestic workers. In 2000 the Egyptian Foreign Minister warned women seeking employment in all Gulf countries to "exercise caution" and to avoid being forced into illegal activities. In June 2001, the Bangladeshi government lifted its ban on domestic servants coming to the country.

The courts find in favor of employees in an estimated 90 percent of the labor disputes they hear, but this success did not result in improved conditions for foreign workers. No legal mechanism exists for foreign workers to enforce settlements. There is no compulsion for employers to obey court rulings, and workers often did not receive court-ordered compensation. Employers also reportedly used illegal methods to pressure foreign employees to drop cases against them, such as by withholding their passports, encouraging police intimidation and brutality, and filing criminal charges against them for fabricated crimes, such as theft.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although laws against slavery, prostitution, forced labor, coercion, kidnaping, and other acts could be used to prosecute traffickers. The Government has ratified some international conventions that commit it to apply these laws.

In April a report on female foreign workers in the country showed that the migrants had been promised domestic work, but often were employed in other work. In addition, many were expected to provide sexual services in addition to their domestic services and a modest proportion were engaged in prostitution exclusively.

In three incidents during the year, procurers kidnaped domestic servants off the street and temporarily forced them into prostitution. In these cases, the kidnapers were arrested and the domestic servants released.

In 2001 police broke up several organized rings involved in prostitution and the trading of sex slaves. In one of the rings, approximately 100 prostitutes, along with their pimps and clients, were arrested. Fifty were young Asian women who had been traded as sex slaves.

LEBANON

Lebanon is a parliamentary republic, with a constitution dating from 1926, in which, based on the unwritten "National Pact of 1943," the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shi'a Muslim. President Emile Lahoud took office in 1998 after an election by Parliament that was heavily influenced by Syria. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. In parliamentary elections in 2000, incumbent Prime Minister Salim al-Hoss lost his seat in a contested election, and former Prime Minister Rafiq Hariri was named Prime Minister by President Lahoud in October 2000. According to international observers, the elections were flawed; however, there reportedly were fewer voting irregularities than in the 1996 parliamentary elections. Although the judiciary was independent in principle, in practice, it was subject to political pressure.

Non-Lebanese military and paramilitary forces retained significant influence over much of the country. According to the 1989 Taif Accord, a peace settlement to end the civil war, the Syrian and Lebanese governments were to determine the redeployment of Syrian troops to specified areas of the Biqa' Valley, with full withdrawal contingent upon subsequent agreement by both governments. The Syrian government did not carry out this partial redeployment and has prevented implementation of other political reforms stipulated by the Taif Accord. Strong Syrian influence over local politics and decision makers made officials unwilling to press for further progress on fulfilling Taif agreements, including Syrian withdrawal. Since the Taif Accord was signed, no government has requested formally the withdrawal of Syrian forces. The Government's relationship with Syria did not reflect the will of most of the country's citizens.

In 1991 the Governments of Syria and Lebanon concluded a security agreement that provided a framework for security cooperation between their armed forces. Approximately 22,000 Syrian troops were stationed in locations throughout the country, excluding the south. An undetermined number of Syrian military intelligence personnel in the country continued to conduct their activities independently.

Until May 2000, Israel exerted control in or near its self-proclaimed "security zone" in the south through direct military action and support for its surrogate, the South Lebanon Army (SLA). In 2000, after 22 years of occupation, Israeli Defense Forces (IDF) troops withdrew from the south and the SLA disbanded. Following the withdrawal, the Government deployed more than 1,000 police and soldiers to the former security zone. The Government did not attempt to disarm Hizballah, a terrorist organization operating in the region.

Palestinian groups operated autonomously in refugee camps throughout the country. Several armed Palestinian factions were located in the refugee camps, although their freedom of movement was restricted significantly. The Government did not at-

tempt to assert state control over the Palestinian camps; however, during the year it successfully took into custody fugitives who had sought refuge in the camps.

During the year, Hizballah, the influence of the Syrian government, and Palestinian groups all undermined the authority of the Government and interfered with the application of law in those areas not completely under the Government's control.

The security forces consisted of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforced laws, conducted searches and arrests, and referred cases to the judiciary; and the State Security Apparatus and the Surete Generale, both of which collected information on groups deemed a possible threat to state security. The Surete Generale was responsible for the issuance of passports and residency permits, the screening and censoring of foreign periodicals, plays, documentaries, television programs, and movies, and the censoring of those parts that addressed national security issues and "morals." The security forces committed numerous, serious human rights abuses, sometimes acting independently, and other times on instruction of senior government officials.

The country of approximately 4 million had a market-based economy, in which the majority of the private sector was employed in the service sector and in a small industrial sector. During the year, there was slow implementation of economic reforms, unfavorable domestic political developments, and continuing regional instability that led to nearly stagnant economic activity. Unemployment was estimated to be approximately 25 percent.

The Government's overall human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The right of citizens to change their government remained significantly restricted by the lack of complete government control over parts of the country, shortcomings in the electoral system, the flawed 2000 elections, and Syrian influence. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. Government abuses also included the arbitrary arrest and detention of persons who were critical of government policies. Despite a new Code of Criminal Procedure, enacted in 2001, lengthy pretrial detention and long delays in trials remained problems. The courts were subject to political pressure. During the year, the Government infringed on citizens' privacy rights and continued surveillance of political activities. The Government limited press and media freedom.

The Government continued to restrict freedom of assembly and imposed some limits on freedom of association. There were some restrictions on freedom of religion. The Government imposed some limits on freedom of movement. Violence and discrimination against women, abuse of children, discrimination against Palestinians, forced labor, including by children, child labor, and the mistreatment of foreign domestic servants remained problems.

Palestinian groups in refugee camps maintained a separate, often arbitrary, system of justice for Palestinians living in the camps. Palestinians sometimes appealed to the country's authorities for legal recourse, often through both their Lebanese and Palestinian agents in the camps. Lebanon was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. On November 21, American citizen missionary Bonnie Witherall was killed at the Sidon health clinic where she worked. It is believed that Sunni extremists, possibly operating from the Ain Al-Hilwah Palestinian refugee camp, were responsible. However, no group has claimed responsibility for the killing and the case remained unsolved at year's end (*see* Section 2.c.).

On January 24, former Lebanese Forces Commander and former cabinet member Elie Hobeiqa and three of his bodyguards were killed when a car bomb exploded near Hobeiqa's residence. Five men were detained by the authorities for questioning but were later released. On May 21, Jihad Jibril, the son of the Secretary General of the Popular Front for the Liberation of Palestine-General Command, was killed when an explosive detonated inside his car. Two persons were in government custody in connection with the killings at year's end. Unknown groups claimed responsibility for the above killings. Also on May 21, the body of Ramzi Irani, the officer-in-charge of the banned Lebanese Forces at the Lebanese University was found 14 days after he was discovered missing. No one has claimed responsibility for his death.

In March State Prosecutor General Adnan Addoum acknowledged that four persons had died in custody during 2000; a Sudanese asylum seeker and three SLA detainees died of natural causes. There were no reported deaths in custody during the year.

The judicial system continued to suffer from a backlog of hearings into cases of deaths in custody, some as old as 6 years. Such cases sometimes involved individuals connected to political groups or accused of criminal activity.

Following IDF withdrawal in 2000, violence in and around the former Israeli controlled security zone decreased significantly. However, there were a number of violent cross-border incidents since the withdrawal, involving Hizballah, Palestinian, and other unidentified armed elements. No incidents resulted in civilian deaths during the year.

According to the LAF National Demining Office, there were approximately 400,000 landmines in the former security zone that had been occupied by Israel. The United Nations Interim Forces in Lebanon (UNIFIL) statistics on recorded landmines in the former security zone indicated that 50,644 antipersonnel mines were located in 108 minefields along the Lebanon-Israel border. Since the Israeli withdrawal, there have been 35 deaths and 192 injuries due to landmine accidents.

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

Since 1999 the Government has worked to investigate cases of disappearance during the civil war, concluding in September 2000 that all persons who disappeared at least 4 years before the end of the civil war were dead. However, in December 2000, following the release by the Syrian authorities of an estimated 149 Lebanese detainees from Syrian jails, including some who had been declared dead, the Government formed a new committee to reexamine the cases and received about 800 applications from family members.

In 2001 the Israeli government announced that the Israel soldiers kidnaped by Hizballah in 2000 were believed to be dead. During the year, Hizballah continued to maintain the position that it would release Israeli soldiers in return for the release of Arab prisoners held by Israel.

In October 2000, Hizballah kidnaped IDF reservist Elhann Tannenbaum. At year's end, he was still presumed to be detained.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Torture is not banned specifically by the Constitution, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups reported that torture was a common practice. Violent abuse usually occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite laws that prevented judges from accepting any confession extracted under duress.

Methods of torture reportedly included beatings and suspension by arms tied behind the back. Unlike in the past, there were no reported applications of electric shocks to the genitals.

In 2001, the Justice Minister publicly stated that "torture in Lebanese prisons is real, and mainly occurs during preliminary investigations." The Minister also added that the Government would adopt measures to eliminate the use of torture. By year's end, no measures had been taken.

The Government initially held incommunicado most of the 3,000 SLA personnel who surrendered to authorities following the IDF's May 2000 withdrawal; however, it subsequently allowed lawyers and family members to have access (*see* Section 1.d.). Some former SLA detainees reported that they were abused or tortured. Amnesty International (AI) and other human rights organizations reported that some detainees were beaten, handcuffed, blindfolded, and forced to lie face down on the ground.

In 2001 security forces arrested hundreds of supporters of exiled General Michel 'Awn, and detained Tawfiq Hindi, political advisor to former Lebanese Forces commander Samir Ja'ja. (*see* Section 1.d.). Some of those arrested claimed that officers had abused them. They also alleged that they were psychologically tortured when authorities threatened their families.

Abuses occurred in areas outside of the State's authority, including in Palestinian refugee camps. During the year, there were reports that members of the various groups who controlled the camps detained their Palestinian rivals (*see* Section 1.d.).

Prison conditions were poor and did not meet minimum international standards. The Government did not allocate funds for prison reform.

In 2001 members of the Parliamentary Commission for Human Rights visited all prisons in the country except those controlled by the Ministry of Defense. The Interior Ministry denied the press permission to accompany the delegation. The Chair-

man of the Commission subsequently stated that "the health conditions of the prisoners are deplorable and require continuous care. We hope the women's prisons will be emptied and the prisoners transferred." He also indicated that of the 7,230 persons being held in prison, only 2,500 were convicted.

In 2000 AI issued a report on prison conditions for women which highlighted numerous, serious human rights abuses, including torture, as well as the breach of legal rights of citizens. In response to public concern, the Prosecutor General appointed one of his senior aides to investigate allegations of torture and mistreatment of women in pretrial detention. In May, the Prosecutor's office issued a communique denying all allegations of torture against women. The Government has made a modest effort to rehabilitate some inmates.

The Surete Generale, which is in charge of border posts, operated a detention facility. All detainees, mostly Egyptians and Sri Lankans, were detained there pending deportation. In 2001, the Surete Generale opened a new detention facility, which reportedly provided somewhat better conditions than the old facility. Their detention was supposed to be 1 to 2 months, pending the regularization of their status. However, some, mainly asylum seekers, were detained for more than a year.

Former Lebanese Forces leader Samir Ja'Ja', who is serving four life sentences for the murder or attempted murder of various political figures during and after the civil war, was kept in solitary confinement in a prison in the basement of the Ministry of Defense. Government officials stated that his solitary confinement was necessary for his own protection.

During the year, local journalists and human rights organizations were given access to certain prisons except those controlled by the Ministry of Defense. Following the Israeli withdrawal, the Government did not grant independent monitors access to former SLA soldiers in custody. In September the Cabinet ordered that International Committee of the Red Cross (ICRC) representatives should be allowed to visit all prisons, including the one under the control of the Ministry of Defense. However, by year's end ICRC had not done so because the Ministry of Defense had not granted permission.

Prior to the Israeli withdrawal from the south, Hizballah detained and reportedly mistreated SLA members and suspected agents at unknown locations. The SLA operated its own detention facility, and there were frequent allegations of torture and mistreatment of detainees (*see* Section 1.d.).

Hizballah did not permit visits by human rights monitors to those persons in its custody. Men, women, and juveniles were held separately in government prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law requires security forces to obtain warrants before making arrests; however, the Government used arbitrary arrest and detention. Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion (*see* Section 1.e.). In 2001 the Parliamentary Commission for Human Rights stated that of the 7,230 persons being held in prison, only 2,500 were convicted.

In 2001 the Parliament enacted and put into effect a new Code of Criminal Procedure. The new law provides greater legal protection to suspects, including the right to a lawyer, to a medical examination, and to inform next of kin. Under the Code, arresting officers are required to refer a subject to a prosecutor within 48 hours of arrest, unless there were witnesses to the crime, in which case the suspect may not be held in custody more than 24 hours. The period may be extended to 48 hours with the agreement of the public prosecutor's office. If a suspect is held more than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases, officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in hot pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Under the Code, bail is available in all cases regardless of the charges. Many provisions of the new Code were not observed in practice. Some police and members of the judiciary have claimed that they were not properly informed of the new provisions.

Defendants had the right to legal counsel, but there was no state-funded public defender's office. The Bar Association operated an office for those who could not afford a lawyer, and the court panel on many occasions asked the Bar Association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary detention and arrest. On several occasions during the year, security forces detained and arrested hundreds of citizens on grounds of national security. Protestors were also arbitrarily detained and arrested (*see* Section 2.b.). The Government also detained, interrogated, and beat journalists (*see* Section 2.a.).

In 2001, security forces arrested, interrogated, and searched the homes of more than 100 citizens, predominately Christian supporters of exiled General Michel 'Awn, and jailed commander of the disbanded Lebanese Forces, Samir Ja'Ja'. Most of the arrests and searches took place without warrants, and those arrested claimed that they were not given access to lawyers. The authorities allegedly forced most of them to sign affidavits stating that they would abstain from politics and released them within 2 weeks after their arrests. Some were blindfolded and forced to sign the affidavits without reading them; some of those who refused were beaten until they signed. Retired General Nadim Lteif, Coordinator of the Awnist movement, and Tawfiq Hindi, former political advisor of Samir Ja'Ja', were among those arrested. At least 77 of those detained were referred to both military and civilian courts (*see* Section 1.e.). All but five of those arrested were released within weeks. Two persons were held until November 2001, when they were released on bail. In March the court dropped all charges against them.

In February, six men were arrested and accused of spying for Israel on Hizballah, as well as on Lebanese and Syrian military positions and Lebanese political figures and financial institutions. In September, military tribunals sentenced the men to terms ranging from 1 year in prison to death. Hassan Hashem, a former official of the country's Shi'a Amal militia, was sentenced to 3 years of hard labor. One defendant tried in absentia received a death sentence.

On July 11, the military court of appeals sentenced Lebanese Forces political advisor Tawfiq Hindi and journalist Habib Younis to 15 months imprisonment for having established contacts with Israeli forces. The tribunal also convicted journalist Antoine Bassil for providing assistance to Israeli forces and sentenced him to 30 months. On November 9 and 16, respectively, Hindi and Younis were released.

The Government initially held incommunicado most of the 3,000 SLA members who surrendered to the authorities following the IDF's withdrawal in 2000 (*see* Section 1.c.); however, lawyers and family members have since been provided access. The authorities often detained without charges for short periods of time political opponents and opponents of the Syrian government. Legal action against them remained pending; however, they were free to travel abroad.

Palestinian refugees were subject to arrest, detention, and harassment by state security forces, Syrian forces, and rival Palestinians.

Unlike in 2000, there were no allegations during the year of the transfer of citizens by government authorities to Syria. By year's end, 9 of 54 persons turned over in 2000 to Syria remained in Syrian custody, including Abu Haytham Karara, an official of the Progressive Socialist Party. No formal charges were brought against them. Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention. According to AI, Syrian forces operating in Lebanon carried out searches, arrests, and detentions of Lebanese nationals outside any legal framework. The Government formed a committee in 2000 to investigate cases of those who disappeared during the civil strife (*see* Section 1.b.). Although it was due to report on its findings by July, the committee had not done so by year's end.

Abuses occurred in areas outside of the State's authority, including the Palestinian refugee camps. During the year, there were reports that members of the various groups who controlled the camps detained their Palestinian rivals.

During the year, there were no reports that Hizballah conducted arbitrary arrests in areas outside central government control.

Israel continued to hold 20 Lebanese citizens, including Sheikh Abed al-Karim Obaid and Mustafa Dirani, who had been held without charge since 1989 and 1994, respectively.

The law does not provide for forced exile, and it was not practiced regularly.

e. Denial of Fair Public Trial.—The judiciary was independent in principle; however, it was subject to political pressure. The Constitution provides for a constitutional council to determine the constitutionality of newly adopted laws upon the request of 10 members of Parliament, and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution.

The judicial system consisted of the regular civilian courts; the Military Court, which tries cases involving military personnel and civilians in security-related issues; the Judicial Council, which tries national security cases; and the tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody (*see* Section 5).

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. Upon the recommendation of the Minister of Justice,

the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appointed all other judges based on the religious affiliation of the prospective judge. A shortage of judges has impeded efforts to adjudicate cases backlogged during years of internal conflict. Trial delays were aggravated by the Government's inability to conduct investigations in areas outside of its control.

In general trials were public, but judges had the discretion to make a court session secret. Defendants had the right to be present at trial and the right of timely consultation with an attorney. Defendants had the right to confront or question witnesses against them but must do so through the court panel, which decided whether or not to permit the defendant's question. Defendants and their attorneys had access to government-held evidence relevant to their cases and had the right of appeal. These rights generally were observed in practice.

Defendants on trial for security cases, which were heard before the Judicial Council, had the same procedural rights as other defendants; however, there was no right to appeal in such cases. The testimony of a woman was equal to that of a man (*see* Section 5).

The Military Court had jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians could be tried for security issues, and military personnel could be tried for civil issues. The military court had two tribunals-the permanent tribunal and the cassation tribunal-the latter of which heard appeals from the former. A civilian judge chaired the higher court. Defendants on trial under the military tribunal had the same procedural rights as defendants in ordinary courts.

In 2000, the Military Court began trying the cases of the approximately 3,000 SLA militiamen who surrendered to the Government following the Israeli withdrawal from the south. Some of the former SLA militiamen were charged under Article 273 of the Penal Code for taking up arms against the State, an offense punishable by death; others were charged under Article 285 of the Penal Code for trading with the enemy, an offense punishable by a minimum of 1 year in prison. Domestic human rights groups and international nongovernmental organizations (NGOs) reported that the trials were open to journalists and members of the public but were not fair. AI reported that such summary trials neither allowed the innocent to be acquitted nor ensured the discovery of those who may be guilty of war crimes. According to AI, the court tried between 23 and 43 persons each day. SLA lawyers who requested an adjournment to study the files of detainees were granted additional time. However, in most cases, defense lawyers received the files shortly before trial and consequently were unable to argue the cases individually. The standard defense presented by lawyers for the militiamen was that the Government had been unable to defend citizens living under Israeli occupation for the last 22 years. Therefore the residents had no choice but to work with the occupiers.

By year's end, more than 2,919 former SLA members had been tried and convicted. Approximately one-third of the former SLA members received 1-year prison sentences and approximately one-third received sentences of 3 to 4 weeks under Article 273. Two persons who were implicated in the abuse and torture of prisoners at al-Khiam prison were sentenced to life in prison. The military prosecutor recommended the death sentence for 37 former SLA militiamen for allegedly killing members of "the resistance" (i.e., Hizballah). 21 of these militiamen were tried while in government custody; 16 were tried in absentia. The Military Court denied every recommendation for the death sentence and handed down lighter sentences in each case. During the year, following attacks by angry crowds on two former SLA members in their villages, the court amended the sentences of some persons, barring them from returning to their villages for several years. According to the Government, these bans were issued to protect the former SLA members and were difficult to enforce. During the year, no similar sentences were issued. There were no new reports that the Government or Hizballah subjected former SLA members who returned to their villages to regular harassment. On July 19, Mahmoud Salim Mahbouba filed a claim that armed individuals broke into his house and kidnaped his son, Mohammed, a former SLA member who was released from Roumeih prison after serving a 2-year sentence. By year's end, the Government had released all of the 220 SLA militiamen who were tried following the June 1999 SLA withdrawal from Jezzine.

In 2001 the State Prosecutor's Office requested that the Bar Association lift the immunity of lawyer Muhammad Mugraby to permit Mugraby's prosecution for criticizing the country's judicial system at a press conference. The Bar Association complied with the request; at year's end, Mugraby's challenge of the decision remained pending (*see* Section 2.a.).

In August 2001, the Government arrested without warrant Antoine Bassil, a correspondent for a Saudi Arabian television station, for his alleged association with Israeli officials. In July Bassil was sentenced to 30 months in prison by a military tribunal(*see* Section 2.a.).

In 2001, the Government arrested without warrant Habib Younis, the managing editor in al-Hayat's Beirut office, for his alleged association with Israel. Authorities referred his case to a military court, which indicted him for conspiring with Israel. Younis was sentenced to 15 months of imprisonment and was released on November 16 (*see* Section 1.d.).

In 2001 authorities referred at least 77 'Awn and Ja'Ja supporters to both military and civilian courts. Charges brought by the Military Prosecutor's Office included opposing the policy of the Government; disseminating the principles of an unauthorized political party; jeopardizing the country's relations with a friendly state; using oral and written statements not authorized by the Government; defaming the Syrian army's reputation; organizing meetings and activities of a unauthorized political party; and transmitting false and exaggerated information. Tawfiq Hindi, Ja'Ja's former political advisor was charged with collaborating with the Israeli enemy, forming an association to harm the State's authority, and damaging the country's relation with a sisterly nation(*see* Section 1.d.). In 2001 the Court of Cassation ruled that the military court did not have jurisdiction in 63 of the cases, which were transferred to a criminal court. At year's end, these cases were still pending in court. The cases of Nadim Lteif and Hikmat Deeb, who were charged with defaming the Lebanese and Syrian armies, were referred to both military and civilian courts (*see* Section 1.d.). At year's end, both cases remained pending.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the domicile; however, authorities frequently interfered with the privacy of persons regarded as enemies of the Government. Laws require that prosecutors obtain warrants before entering homes, except when the security forces are in close pursuit of armed attackers; however, in practice the law was not respected.

The Government and Syrian intelligence services used informer networks and monitored telephones to gather information on their perceived adversaries. The Army Intelligence Service monitored the movements and activities of members of opposition groups (*see* Section 2.b.). The Government conceded that telephone calls were monitored by security services but claimed that monitoring occurred only with prior authorization from competent judicial authorities.

Politicians and human rights advocates reported increasing and more overt government intelligence services' surveillance of political meetings and political activities across the religious and political spectrum. In 1999 the Parliament passed a law that authorized surveillance in national security and law enforcement cases but banned its use against government ministers and parliamentary deputies; however, the Government had not adopted the necessary implementing decrees by year's end.

Militias and non-Lebanese forces operating outside the area of central government authority frequently have violated citizens' privacy rights. Various factions also used informer networks and the monitoring of telephones to obtain information regarding their perceived adversaries.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government limited this right in practice, particularly by intimidating journalists and broadcasters into practicing self-censorship. The Government censored television broadcasts on a case-by-case basis.

Although there were repeated attempts to restrict freedom of opinion and speech during the year, daily criticism of government policies and leaders continued. Dozens of newspapers and hundreds of periodicals were published throughout the country and were financed by various local and foreign groups. The press was privately owned and press content often reflected the opinions of financial backers.

The Government had several legal mechanisms at its disposal to control freedom of expression. The Surete Generale was authorized to censor all foreign magazines and nonperiodical works, including plays, books, and films, before they were distributed in the market. The law prohibits attacks on the dignity of the Head of State or foreign leaders. The Government may prosecute offending journalists and publications in the Publications Court, a special tribunal empowered to try such matters. Moreover, the 1991 security agreement between Lebanon and Syria contained a provision that effectively prohibits the publication of any information deemed harmful

to the security of either state. In view of the risk of prosecution, journalists censored themselves on matters related to Syria.

In 1999 President Lahoud announced that under his tenure no charges would be brought against any journalist because of his writings or opinions; however, during the year the Government continued to harass, abuse, and detain journalists.

In January Surete Generale officers and plainclothes agents confiscated 650 DVDs at the Virgin Megastore. The titles confiscated included Rabbi Jacob, The Ten Commandments, Superman, and Jesus of Nazareth. The Surete General claimed that the confiscated merchandise was smuggled illegally through customs and contained material that slandered religion and public decency and contravened the boycott against Israel.

In January the Surete Generale imposed "prior censorship" on the Saudi-owned daily Asharq al-Awsat. In December 2001, the newspaper reported that President Lahoud escaped an assassination attempt while on vacation in Monte Carlo. The Beirut Public Prosecutor filed a lawsuit against the newspaper. The Minister of Information criticized the decision taken by the Surete and stated that "no prior censorship should be practiced on local newspapers." The case was still pending at year's end.

On March 25, the ISF beat several photographers who were taking pictures of a collapsed building in Beirut. The Minister of the Interior ordered an investigation to reprimand those responsible for the misconduct. No information was available about any punitive action at year's end.

On April 12, the Beirut Public Prosecutor pressed charges against the publisher of the International Herald Tribune (ITH) in Beirut, after the newspaper ran a pro-Israeli advertisement of the Anti-Defamation League. The charges were leveled at the publisher and editor-in-chief of the local English newspaper the Daily Star who is the IHT legal representative. At year's end, the case remained pending in court.

In August, the Beirut Public Prosecutor filed a lawsuit against the chairman and news editor of Lebanese Broadcasting Corporation International (LBCI) for having "instigated sectarian discord and threatened civil peace" during its coverage of a shooting incident in which eight employees of the Ministry of Education were killed. The station's news coverage of the event focused on the fact that the shooter was a Shi'a Muslim, whereas seven of the eight who were killed were Christians. In August the Beirut Public Prosecutor charged the Murr Television Station (MTV), its political news director, and the host of "Referendum" political talk show with "broadcasting material whose nature is to damage ties to a sisterly nation" (Syria) and "assailing the dignity of the President, slandering the security services and undermining social order." At year's end, the case remained pending in court.

On September 4, the Publications Court ordered the closure of MTV and RML radio, citing Article 68 of the Parliamentary Election Law, which stipulates "complete closure" for broadcasting election propaganda during the campaign period. ISF and army troops closed the station's headquarters shortly after the decision. The court ruled against an appeal to reopen the stations on October 21. On December 27, the court denied a second appeal.

In September State Prosecutor Addoum announced that he would examine declarations made by opposition members in Lebanon and abroad after the Christian Maronite World Congress held in Los Angeles in June, including TV interviews and press statements, in search of elements which could incriminate them. This included statements about Syria and the Syria Accountability Act. Addoum ordered security agencies to gather information about opposition activities outside Lebanon.

In August 2001, the Government brought charges against Joseph Nasr, the editor in chief of the daily newspaper An-Nahar, and Rafi Madayan, the author of an article published in that newspaper that the Government deemed insulting to the military. The Government also brought charges against the weekly newspaper Al-Watan Al-Arabi for having published news that it deemed insulting to the Lebanese and Syrian armies. The cases had not been tried by year's end.

In August 2001, the army's intelligence services arrested without a warrant Antoine Bassil, a correspondent for the Saudi Arabian television station Middle East Broadcasting Corporation (MBC). In December 2001, a court indicted Bassil on charges of contact with the enemy, entering Israel, forming an association to harm the State's authority, and damaging relations with a sisterly country. In July the military court found him guilty and sentenced him to 30 months imprisonment (*see* Section 1.e.).

In August 2001, the Government arrested without a warrant Habib Younis, an editor with al-Hayat's Beirut office on charges of "contact with the Israeli enemy." The Government interrogated Younis without the presence of a lawyer (*see* Section 1.e.) and the military court indicted him on charges of conspiring with Israel. In

July the military court found him guilty and sentenced him to 15 months imprisonment (see section 1.d.).

The Government continued to restrict radio and television broadcasts in a discriminatory manner. There were 7

television stations and 37 radio stations. The Government owned one television and one radio station; the remaining stations were owned privately. Satellite television was available widely and was inexpensive.

Although the Government did not censor broadcasts directly, government officials exerted pressure on journalists to practice self-censorship. For example, in November the Government pressured LBCI not to air a talk show that was to include an outspoken opposition figure. The Government also pressured the media not to report on the arrest in Syria of an al-Hayat correspondent.

In general the Government did not restrict Internet access, and it was used widely.

The Government generally respected academic freedom, and the country had a strong private educational system.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Any group that wished to organize a rally had to obtain the prior approval of the Ministry of Interior, which did not render decisions consistently. Groups opposing government positions sometimes did not receive permits.

On several occasions during the year, military personnel used excessive force to disperse protesters of government political and economic policies and the Syrian presence in Lebanon, sometimes detaining or arresting them (*see* Sections 1.c. and 1.d.).

In August 2001, approximately 200 persons, mostly university students, gathered near the Justice Ministry to protest the arrests of more than 100 'Awnists and Lebanese Forces supporters. Plainclothes intelligence agents arrested at least 10 persons, reportedly including 1 journalist (*see* Section 2.a.), and used heavy force to suppress the demonstration. Demonstrators were beaten with rifle butts, kicked, and trampled by security forces. At least two journalists reportedly also were beaten (*see* Section 2.a.). All of those arrested were released within 2 days. A few days after the protest, the Minister of Interior stated that those responsible for using excessive force would be punished. Subsequently the Justice Minister instructed the Prosecutor General's Office to investigate the incident; however, there were no reports that any measures were taken by year's end.

On March 14, approximately 2,000 demonstrators, mostly student supporters of the now-exiled former Army Commander Michel 'Awn, participated in an anti-Syrian march. Security forces and LAF troops dealt responsibly with the protestors and the demonstration was peaceful.

During March and April, at least 20 nonviolent demonstrations and sit-ins took place in support of the Palestinian Intifada. The Government took an aggressive stance by providing protection and security for foreign interests during that period. However, on April 3, a demonstration of 3,500–4,000 took place at a diplomatic mission. When the crowd attacked security forces with stones, the security forces deployed tear gas and water cannons to disperse it. At least seven police members and some demonstrators were slightly injured.

The Constitution provides for freedom of association, and the Government generally respected this right and did not interfere with most organizations; however, it imposed limits on this right. The law requires every new organization to submit a notification of formation to the Ministry of Interior, which issues a receipt. In addition to what is provided by law, the Ministry of Interior imposed on organizations further restrictions and requirements that were not enforced consistently. The Ministry at times withheld the receipt, essentially transforming a notification procedure into an approval process. The Ministry in some cases sent notification of formation papers to the security forces, which then conducted inquiries regarding an organization's founding members. The results of such inquiries may be used by the Ministry in deciding whether or not to approve the formation of the group.

Organizations must invite Ministry representatives to a general assembly in which votes are held for by-law amendments or in which elections are held for positions on the board of directors. The Ministry also required every association to obtain the Ministry's approval of any change in by-laws; failure to do so could result in the dissolution of the association.

Although the law did not distinguish between political parties and other associations, the Cabinet had to license political parties.

The Government scrutinized requests to establish political movements or parties and to some extent monitored their activities. The Army Intelligence Service mon-

itored the movements and activities of members of opposition groups (*see* Section 1.f.).

The Government closely monitored groups critical of Syrian policies, and their members were subject to harassment and arrest by the Government.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions. Discrimination based on religion is built into the system of government. The Government subsidized all religions and all Muslim clerics received monthly salaries from the Government.

The State is required to ensure the free exercise of all religious rites, provided that public order is not disturbed. The Constitution also provides that the personal status and religious interests of the population be respected. The Government permitted recognized religions to exercise authority over matters pertaining to personal status, such as marriage, divorce, and inheritance. There is no state religion; however, politics are based on the principle of religious representation, which was applied to every aspect of public life.

A group that seeks official recognition must submit its dogma and moral principles for government review to ensure that such principles did not contradict popular values and the Constitution. The group must ensure that the number of its adherents is sufficient to maintain its continuity. Alternatively, religious groups may apply to obtain recognition through existing religious groups. Official recognition conveys certain benefits, such as tax-exempt status and the right to apply the recognized religion's codes to personal status matters. Each recognized religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance. State recognition was not a legal requirement for religious worship or practice. For example, although Baha'is, Buddhists, and Hindus were not recognized officially, they were allowed to practice their faith without government interference; however, their marriages, divorces, and inheritances in the country were not recognized under the law.

The unwritten "National Pact" of 1943 stipulates that the President, the Prime Minister, and the Speaker of Parliament be a Maronite Christian, a Sunni Muslim, and a Shi'a Muslim, respectively. The 1989 Taif Accord, which ended the country's 15-year civil war, reaffirmed this arrangement but resulted in increased Muslim representation in Parliament and reduced the power of the Maronite President. The Accord called for the ultimate abolition of political sectarianism in favor of "expertise and competence"; however, little substantive progress was made in this regard. A "Committee for Abolishing Confessionalism," which was called for in the Taif Accord, had not yet been formed by year's end. One notable exception was the LAF which, through universal conscription and an emphasis on professionalism, has significantly reduced the role of confessionalism (or religious sectarianism) in the armed forces. Christians and Muslims were represented equally in the Parliament. Seats in the Parliament and Cabinet, and posts in the civil service, were distributed proportionally among the 18 recognized groups (*see* Section 3).

The Government required that religious affiliation be encoded on national identity cards, but not on passports.

Religious groups administered their own family and personal status laws. There were 18 recognized religious groups, each of which differed in its treatment of marriage, family, property rights, and inheritance. Many of these laws discriminated against women. For example, Sunni inheritance law provided a son twice the inheritance of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the concurrence of their husbands. There is no law that permits civil marriages, although such ceremonies performed outside the country were recognized by the State. Only religious authorities may perform marriages.

There were no legal barriers to proselytizing; however, traditional attitudes and edicts of the clerical establishment strongly discouraged such activity. During the year, there were reports that members of the Christian community in Kesirwan, with the knowledge of local clergy, occasionally verbally harassed church leaders and persons who attended an unrecognized Protestant evangelical church.

In October a Greek Orthodox church in Tripoli and the Saint Elias Maronite Church in Sidon were bombed. Later that month, arsonists set fire to a northern mosque. President Lahoud blamed "Israeli sympathizers" for the second incident. No one had been arrested in connection with either crime by year's end.

On November 21, an American citizen missionary affiliated with the Christian and Missionary Evangelical Alliance was killed in Sidon. No group has claimed responsibility for the killing (*see* Section 1.a.).

For a detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, there were some limitations. The law prohibits travel to Israel. The LAF and Syrian troops maintained checkpoints throughout much of the country. All men between 18 and 21 years of age were subject to compulsory military service and were required to register at a recruitment office and obtain a travel authorization document before leaving the country. Married women must obtain their husband's signatures to apply for a passport. Although a man may obtain passports for his children without his wife's approval, a women may not obtain passports for her children without the approval of her husband (*see* Section 5).

There were no legal restrictions on the right of citizens to return to the country. However, many emigres were reluctant to return for a variety of political, economic, and social reasons. The Government encouraged the return to their homes of over 600,000 persons displaced internally during the civil war. Although some persons have begun to reclaim homes abandoned or damaged during the war, the vast majority of displaced persons have not attempted to reclaim and rebuild their property. The resettlement process was slowed by tight budgetary constraints, destroyed infrastructure, political feuds, a lack of schools and economic opportunities, and the fear that physical security still was inadequate in some parts of the country.

In 2000, approximately 6,000 SLA militiamen and their families fled to Israel. At year's end, approximately 2,200 had returned to the country. Several hundred relocated elsewhere outside of Israel, and between 3,000 and 4,000 remained in Israel at year's end. Of the former SLA personnel who returned to the country, most received prison sentences of varying lengths (*see* Section 1.e.). The Government publicly stated that the former SLA militiamen were welcome to return to the country, but that they would face trial upon their return. There were few incidents of harassment of returned SLA deportees.

Most non-Lebanese refugees were Palestinians. In 2001 the U.N. Relief and Works Agency (UNRWA) reported that the number of Palestinian refugees in the country registered with the UNRWA was approximately 383,000. This figure, which included only the families of refugees who arrived in 1948, was presumed to include many thousands who reside outside of the country. Most experts estimated the actual number in the country to be between 150,000 and 200,000. Most Palestinian refugees were unable to obtain citizenship and were subject to governmental and societal discrimination; however, Palestinian women who married Lebanese men could obtain citizenship (*see* Section 5).

The Government issued travel documents to Palestinian refugees to enable them to travel and work abroad. The Government did not issue visitors' visas to Jordanian nationals who were born in the country and were of Palestinian origin.

On several occasions, Hizballah operatives interfered with the freedom of movement of UNIFIL personnel. For example on April 4, about 15 Hizballah operatives forced an observer group to stop at checkpoints and assaulted them, injuring 3. According to the U.N. Secretary General's report, no action was taken despite government assurances that the perpetrators would be arrested and brought to trial.

There were no legal provisions for granting asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government granted admission and temporary (6 months) refuge to asylum seekers, but not permanent asylum. The Government generally cooperated with the offices of the U.N. High Commissioner for Refugees (UNHCR) and UNRWA.

According to the UNHCR, there were nearly 3,000 non-Palestinian refugees, primarily Iraqis and Sudanese, detained for illegal entry into the country. During the year, the Surete General granted UNHCR officials access to the detainees. There were credible reports that the Surete Generale deported Iraqi Kurds seeking asylum back to Iraq through Syria.

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

The Constitution states that citizens have the right to change their government in periodic free and fair elections; however, lack of control over parts of the country, defects in the electoral process, and strong Syrian influence over politics and decision makers significantly restrict this right.

According to the Constitution, elections for the Parliament must be held every 4 years. In turn, the Parliament elects the President every 6 years. The President and Parliament nominate the Prime Minister, who, with the President, chooses the Cabinet. According to the unwritten "National Pact of 1943," the President must be a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker a Shi'a

Muslim (*see* Section 2.c.). Since the National Reconciliation Agreement reached in Taif, Saudi Arabia in 1989, which revised the 6 to 5 ratio of Christian to Muslim seats in Parliament, there has been a 50–50 balance between Christian and Muslim Members of Parliament. The Taif Accord also increased the number of seats in Parliament and transferred some powers from the Maronite President to the Sunni Prime Minister and the religiously mixed Cabinet.

The parliamentary elections in 2000 showed fewer incidents of voter fraud and tampering with ballots than previous elections; however, the process was flawed with serious shortcomings, including Syrian government influence on the electoral law and candidate selection, progovernmental media manipulation, and improper activities of security services.

On June 2, a by-election held in the Metn district for the Greek-Orthodox seat was reportedly marred by numerous irregularities, in addition to the Minister of Interior's claim that the secret ballot is "optional." In November the Constitutional Council names the third placed candidate as the winner.

In September 2001, municipal elections were held for the first time since 1963 in 64 villages and towns in areas formerly occupied by Israel. Local observers reported that the elections were generally free and fair; however, there were some irregularities, including attempts by government agencies to pressure candidates and voters, the presence of unauthorized persons inside polling stations, and the absence of registration committees on voting day to correct errors in voters lists.

Women had the right to vote, and there were no legal barriers to their participation in politics; however, there were significant cultural barriers. No woman has ever held a cabinet position. In 2000, three women were elected to the 128-seat Parliament.

Palestinian refugees had no political rights (*see* Section 5). An estimated 17 Palestinian factions operated in the country and were generally organized around prominent individuals. Most Palestinians lived in refugee camps controlled by one or more factions. Refugee leaders were not elected, but there were "popular committees" that met regularly with UNRWA and visitors.

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

Several local human rights groups operated freely without overt government restriction, including the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights-Lebanon, and the National Association for the Rights of the Disabled. Some of these groups have sought to publicize the detention in Syria of hundreds of Lebanese citizens and took credit in part for the release of a number of Lebanese from Syrian jails during 1999 (*see* Section 1.d.). The Bar Association and other private organizations regularly held public events that included discussions of human rights issues. Some human rights groups reported harassment and intimidation by government, Syrian, or Hizballah forces.

The Government generally cooperated with international NGOs and met with them during the year. In March the United Nations High Commissioner for Human Rights met with senior government officials. The ICRC and AI maintained offices in the country. During the year, government officials discussed human rights problems with representatives of foreign governments and NGOs. For example, the Lebanese Foundation for Human and Humanitarian Rights discussed issues related to Iraqi asylum seekers with the Government and secured the non-deportation of Iraqi Kurds back to Iraq.

The Parliamentary Commission for Human Rights did not take action in response to the arrests in 2001 by security forces of antigovernment and anti-Syrian protestors. However, the Commission played an important role in ratifying the U.N. Convention against Torture in 2001 and passing the new Code of Criminal Procedure. Following visits to the prisons, the Commission's chairman stated that the Commission would work on improving prison conditions by passing the Code of Criminal Procedure and by increasing funding to build new correctional facilities; however, by year's end, no funds had been allocated.

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

The Constitution calls for "social justice and equality of duties and rights among all citizens without prejudice or favoritism"; however, in practice aspects of the law and traditional beliefs discriminated against women. Although the law reserves a percentage of private sector and government jobs to persons with disabilities, there were few accommodations made for them. Discrimination based on race, language, or social status is illegal and was not widespread among citizens; however, foreign domestic servants often were mistreated.

Women.—The law does not specifically prohibit domestic violence; however, violence against women was a common problem. Cases reported were believed to be only a fraction of the actual number. There were no authoritative statistics on the extent of spousal abuse. Most experts agreed that the problem affected a significant portion of the female population. Despite a law prohibiting battery with a maximum sentence of 3 years in prison for those convicted, some religious courts legally may require a battered wife to return to the house in spite of physical abuse. Many women were compelled to remain in abusive marriages because of social and family pressures. Possible loss of custody of children and the absence of an independent source of income also prevented women from leaving their husbands.

The Government had no separate program to provide medical assistance to battered women; however, it provided legal assistance to victims who could not afford it regardless of the gender of the victim. In most of the cases, the police ignored complaints submitted by battered or abused women. The NGO The Lebanese Council to Resist Violence Against Women has worked actively to reduce violence against women by offering counseling and legal aid and raising awareness about domestic violence.

Foreign domestic servants often were mistreated, abused, and in some cases, raped. Asian and African female workers had no practical legal recourse available to them because of their low status, isolation from society, and because the labor laws did not protect them (*see* Section 6.e.). Because of such abuse, the Government prohibited foreign women from working if they were from countries that did not have diplomatic representation in the country.

The law prohibits rape, and the minimum sentence for a person convicted of rape is 5 years in prison. The minimum sentence for a person convicted of raping a minor is 7 years.

The legal system was discriminatory in its handling of so-called "honor crimes." According to the Penal Code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. However, in 1999 the law was amended to increase the severity of the sentence for perpetrators of "honor crimes." Several instances of honor crimes are reported in the media every year, and reportedly there were an average of two to three cases of honor crimes each month during the year. No person has been convicted in a case legally considered as an honor crime.

Prostitution is legal but regulated; in practice most prostitution is unlicensed and thus illegal. Thousands of foreign women, primarily from Russia and Eastern Europe, engaged in prostitution. The country was a destination for trafficked persons, primarily women (*see* Section 6.f.).

Women had varying employment opportunities in government, medicine, law, academia, the arts, and to a lesser degree, business. However, social pressure against women pursuing careers was strong in some parts of society. Men sometimes exercised considerable control over female relatives, restricting their activities outside of the home or their contact with friends and relatives. The law prohibits sexual harassment; however, it was a widespread problem.

Women may own property but often ceded control of it to male relatives for cultural reasons and because of family pressure. Husbands may block foreign travel by their wives (*see* Section 2.d.). The testimony of a woman is equal to that of a man in court (*see* Section 1.e.).

In 2001, Parliament adopted a law providing equal pay for equal work for men and women. During the year, the Parliament passed legislation giving women serving in government the same rights as men in terms of medical coverage and hospitalization.

Only men may confer citizenship on their spouses and children. Accordingly, children born to citizen mothers and foreign fathers are not eligible for citizenship. Citizen widows may confer citizenship on their minor children.

Children.—Education was free in public schools and compulsory until the age of 13. However, public schools generally were inadequate, and the cost of private education was a significant problem for the middle and lower classes. Many children, particularly in rural areas, took jobs at a young age to help support their families. UNICEF reported that in the 2000 school year, approximately 85 percent of children between the ages of 3 and 5, and approximately 98 percent of children between the ages of 7 to 11 were enrolled in school. In some families with limited incomes, boys received more education than girls. Illiteracy rates were approximately 38 percent. The minimum for child employment is 14 years of age (*see* Section 6.d.).

An undetermined number of children were neglected, abused, and exploited. The normal procedure for adoption was through religious homes or institutions authorized to arrange adoption; however, the demand to provide infants for adoption

abroad resulted in illegal international adoptions. There were no statistics available concerning the prevalence of the illegal adoption of infants. Poor children often were compelled by their parents to seek employment and often took jobs that jeopardized their safety (*see* Section 6.d.). Because of their ages, wages earned by such children were not in conformity with labor regulations. The Government did not have specific child protection laws to remove children from abusive situations and did not grant NGOs adequate legal standing to litigate on behalf of abused minor children.

During the year, the police discovered and broke up several child prostitution rings.

Persons with Disabilities.—More than 100,000 persons became disabled during the civil war. Families generally performed care of persons with disabilities. Most efforts to assist persons with disabilities were made by approximately 100 private organizations. These organizations were relatively active, although poorly funded.

There were few accommodations for persons with disabilities in the cities.

The law on persons with disabilities stipulates that at least three percent of all government and private sector positions should be filled by persons with disabilities, provided that such persons fulfill the qualifications of the position.

During the year, joint committees composed of the National Committee for the Disabled and the Ministries of Health, Labor, and Education were formed to implement the disabled law. During the year, the Ministry of Finance informed all firms and companies that it would not settle obligations with them unless they proved that three percent of their work force was composed of disabled personnel.

National/Racial/Ethnic Minorities.—According to the UNHCR, an estimated 380,000 Palestinian refugees were registered in the country (*see* Section 2.d.); however, it was believed that perhaps between 150,000 to 200,000 Palestinians actually resided in the country. Most Palestinian refugees lived in overpopulated camps that suffered repeated heavy damage as a result of fighting. The Government generally prohibited the construction of permanent structures in the camps on the grounds that such construction encouraged the notion of permanent refugee settlement in the country. Refugees feared that the Government may reduce the size of the camps or eliminate them completely. Very few Palestinians received work permits, and those who found work usually were directed into unskilled occupations. In recent years, Palestinian incomes have continued to decline. The law prohibited Palestinian refugees from working in 72 professions.

In 2001 the Parliament passed legislation depriving Palestinian refugees of the right to own property in the country. Under the new law, Palestinians no longer may purchase property and those who own property will be prohibited from passing it on to their children. The Parliament justified the law on the grounds that it was protecting the right of Palestinian refugees to return to the homes they fled after the creation of the state of Israel in 1948. Other foreigners may own a limited size plot of land but only after obtaining the approval of five different district offices. The law applies to all foreigners, but it is applied in a manner disadvantageous to the 25,000 Kurds in the country. The Government did not provide health services to Palestinian refugees, who relied on UNRWA and UNRWA-contracted hospitals.

In recent years, Palestinian incomes have declined. Palestinian children reportedly have been forced to leave school at an early age because U.N. relief workers do not have sufficient funds for education programs. The U.N. estimates that 18 percent of street children in the country are Palestinian. Drug addiction, prostitution, and crime reportedly were increasing in the camps, although reliable statistics were not available. In 1999, the Fatah faction of the PLO expanded its operations in the Ain al-Hilwah refugee camp by opening security offices and hiring personnel to maintain order in the camps.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers except government employees may establish and join unions. Worker representatives must be chosen from those employed within the bargaining unit. About 900,000 persons formed the active labor force, 14 percent of who were members of 210 labor unions and associations. Most of these unions gathered to form Federations. To date, 37 federations, with about 200,000 workers, were represented in the General Confederation of Labor (GCL).

Palestinian refugees may organize their own unions; however, because of restrictions on their right to work, few Palestinians participated actively in trade unions.

Unions were free to affiliate with international federations and confederations, and they maintained a variety of such affiliations.

b. The Right to Organize and Bargain Collectively.—The right of workers to organize and to bargain collectively exists in law and practice. Most worker groups en-

gaged in some form of collective bargaining with their employers. Stronger federations obtained significant gains for their members and on occasion have assisted nonunionized workers. There were no government mechanisms to promote voluntary labor-management negotiations, and workers had no protection against antiunion discrimination. Union leaders alleged credibly that, in the past, the Government has tried to interfere in elections for union officials.

The law provides for the right to strike. In December the teachers' union went on a strike and then staged a demonstration to protest budget proposals including taxes on pensions and working hour increases.

In June and July, taxi and bus drivers held separate strikes to protest a new government anti-pollution measure calling for a switch from diesel to gasoline for all passenger vehicles carrying less than 15 passengers.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—Forced labor is not prohibited by law. Children, foreign domestic servants, and other foreign workers sometimes were forced to remain in situations amounting to coerced or bonded labor (*see* Sections 5 and 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits employment of workers under the age of 18 for more than 6 hours per day, and requires 1 hour of rest if work is more than 4 hours. The law defines workers under the age of 14 as child laborers. The amendments also entitle children to 21 days of paid annual leave. Children are prohibited from working between the hours of 7 p.m. and 7 a.m. The Code also prohibits certain types of mechanical work for children between the ages of 8 and 13 and other types for those between the ages of 13 and 16. The law prohibits children under the age of 18 from working in jobs that jeopardize their health, safety, or morals. The Ministry of Labor was responsible for enforcing these requirements; however, it did not apply the law rigorously. During the year, a law was passed regarding the protection of juveniles exposed to danger.

In June Parliament ratified ILO Convention No. 138, concerning minimum age for admission to employment. According to the Central Statistics Administration, 7.6 percent of working children were between the ages of 6 and 14. The report also indicated that of this 7.6 percent, 45.3 percent were performing all kinds of jobs, such as working in the fields concurrently helping their parents in the home. Most of these child laborers were citizens, but some were Syrian; they worked predominantly in the industrial, craft, and metallurgical sectors.

Approximately 40 percent of working children worked 10 to 14 hours per day, and few received social welfare benefits. In addition, the active labor force included approximately 52,000 workers between the ages of 15 and 19, who were not eligible for the minimum wage until they reached the age of 21.

e. Acceptable Conditions of Work.—The Government set a legal minimum wage, currently approximately $200 (300,000 Lebanese pounds) per month. The law was not enforced effectively in the private sector. In theory the courts were called upon to enforce it, but in practice they did not. The minimum wage was insufficient to provide a decent standard of living for a worker and family. Trade unions attempted to ensure the payment of minimum wages in both the public sector and the large-scale private sector.

The Labor Law prescribes a standard 6-day workweek of 48 hours, with a 24-hour rest period per week. In practice workers in the industrial sector worked an average of 35 hours per week, and workers in other sectors worked an average of 30 hours per week. The law includes specific occupational health and safety regulations. Labor regulations require employers to take adequate precautions for employee safety. The Ministry of Labor was responsible for enforcing these regulations, and it did so unevenly. Labor organizers reported that workers did not have the right to remove themselves from hazardous conditions without jeopardizing their continued employment. Foreign domestic servants, mostly of Asian and African origin, often were mistreated, abused, and raped (*see* Section 5). A recruitment agency and the employer signed the employment contract for a foreign worker; workers rarely were a party to the contract or, if they were a party, might not know what the contract stipulates because it is written in Arabic. The recruitment agency or employers confiscated the passports of foreign domestic workers when the workers arrived at the airport. Labor laws do not protect foreign domestic servants. Domestic servants often worked 18 hours per day, and in most cases did not receive vacations or holidays. There was no minimum wage for domestic servants; their average wage was approximately $100 (150,000 Lebanese pounds) per month. They had no entitlement to government financial assistance.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, the Penal Code stipulates that "any person who deprives another of freedom either by abduction or any other means shall be sentenced to temporary hard labor." During the year, the country was a destination for African and Asian women contracted as household workers, and Eastern European and Russian women contracted as dancers in adult clubs. These women may have come voluntarily; however, there was evidence that many found themselves in coercive work situations from which they had little practical legal recourse. If forced prostitution or forced rendering of sexual services occurred as a result of the abduction, the Penal Code stipulates that the abductor be sentenced to at least 1 year in prison.

Many women became illegal workers because their employers did not renew their work and residency permits. Unscrupulous employers sometime falsely accused the employee of theft in order to relinquish responsibility for the employee as well as the taxes and airline ticket home (see section 6.e). Restrictions of movement and withholding of passports were common practices. A very small number of exploited foreign workers have won cases against their employers. The judiciary did not usually acknowledge the violation of maids' rights, but in a few cases, courts decided in favor of foreign workers against whom charges had been brought. In October, the criminal court of the Metn district acquitted two Filipino maids from charges brought against them by their employers for theft. In another case, a Sri Lankan maid was repatriated after her employer dropped charges brought against her for leaving her house.

There is no law specifically prohibiting trafficking and during the year the Government did not prosecute such cases. However, during the year the Government took multiple new measures to counter trafficking, including signing on December 9 the U.N. Convention against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Other anti-trafficking measures included the closure of approximately 15 illegal employment agencies for violating trafficking related regulations by the Ministry of Labor, and participation in awareness programs. The Government did not provide foreign workers with relief from deportation, shelter, or access to legal, medical or psychological services. However, social workers from the Caritas Migrant Center have full-time access to the Government retention Center for Foreign Persons. A number of NGOs provided pro bono legal assistance and counseling to victims of trafficking. The Ministry of Labor has established a complaint procedure through which it says it will take an active role in complaint cases. To date, few victims of trafficking have used this procedure. During the year, the Ministry of Labor also began implementing procedures for lodging complaints against employers or employment agencies.

LIBYA [1]

The Socialist People's Libyan Arab Jamahiriya is a dictatorship that has been ruled by Colonel Mu'ammar Al-Qadhafi (the "Brother Leader and Guide of the Revolution") since 1969, when he led a military coup that overthrew King Idris I. Borrowing from Islamic and pan-Arab ideas, Qadhafi created a political system that rejects democracy and political parties and purports to establish a "third way" superior to capitalism and communism. Libya's governing principles are derived predominantly from Qadhafi's "Green Book." In theory the citizenry rules the country through a series of popular congresses, as laid out in the Constitutional Proclamation of 1969 and the Declaration on the Establishment of the Authority of the People of 1977, but in practice Qadhafi and his inner circle monopolize political power. Qadhafi is aided by extragovernmental organizations—the Revolutionary Committees—that exercise control over most aspects of citizens' lives. The judiciary was not independent of the Government, and security forces had the power to pass sentences without trial.

The country maintained an extensive security apparatus, consisting of several elite military units, including Qadhafi's personal bodyguards, local Revolutionary Committees, People's Committees, and "Purification" Committees. The result was a multilayered, pervasive surveillance system that monitored and controlled the activities of individuals. The various security forces committed numerous serious human rights abuses.

The Government dominated the economy through complete control of the country's oil resources, which accounted for approximately 95 percent of export earnings

[1] The United States has no official presence in Libya. Information on the human rights situation therefore is limited; this report draws heavily on non-U.S. Government sources.

and an estimated 23 percent of the gross domestic product. Oil revenues were the principal source of foreign exchange. Much of the country's income has been lost to waste, corruption, conventional armament purchases, and attempts to develop weapons of mass destruction, as well as to large donations made to "liberation" movements and to developing countries in attempts to increase Qadhafi's influence in Africa and elsewhere. The Government's mismanagement of the economy has led to high inflation and increased import prices, resulting in a decline in the standard of living for most of its 5.4 million citizens in recent years. U.N. sanctions against the country were suspended—but not permanently lifted—in 1999 following the Government's surrender of two of its citizens suspected in the 1988 bombing of Pan Am flight 103. On March 14, a Scottish appellate court in the Netherlands upheld the conviction of Abdelbasset al-Megrahi in connection with the bombing. Megrahi subsequently appealed his sentence to the European Commission for Human Rights.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens did not have the right to change their government. Qadhafi used summary judicial proceedings to suppress domestic opposition. Security forces tortured prisoners during interrogations and as punishment. Prison conditions were poor. Security forces arbitrarily arrested and detained persons, and many prisoners were held incommunicado. Many political detainees were held for years without charge or trial. The Government controlled the judiciary, and citizens did not have the right to a fair public trial or to be represented by legal counsel. The Government infringed on citizens' privacy rights, and citizens did not have the right to be secure in their homes or persons, or to own private property. The Government restricted freedom of speech, press, assembly, association, and religion. The Government imposed some limits on freedom of movement. The Government prohibited the establishment of independent human rights organizations.

Violence against women was a problem. Traditional attitudes and practices continued to discriminate against women, and female genital mutilation (FGM) was practiced in remote areas of the country. The Government discriminated against and repressed tribal groups. The Government continued to repress banned Islamic groups and exercised tight control over ethnic and tribal minorities, such as Amazighs (Berbers), Tuaregs, and the Warfalla tribe. The Government restricted basic worker rights, used forced labor, and discriminated against foreign workers. There have been reports of slavery and trafficking in persons. The country's human rights record came under intense international scrutiny after the African Union in June endorsed the country's nomination to chair the U.N. Commission on Human Rights (UNCHR) in 2003. The Government appointed for the first time in September a Secretary for Human Rights; at year's end, this fledgling ministry had yet to demonstrate any influence over the country's human rights policies.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There was one report that a person died as a result of torture while in custody. On September 6, the World Organization Against Torture (OMCT) reported that when Mohammad Massaud Izbeda inquired at the Revolutionary Committee Headquarters as to why his son had not been among 62 prisoners released by the Government on September 1, the authorities detained and tortured Mr. Izbeda. According to reports, he was released later that day and died the same night (*see* Section 1.c.).

An unknown number of deaths in custody occurred as a result of poor prison conditions (*see* Section 1.c.).

In 2001 the Government continued to take proactive measures to prevent the development of any serious opposition within the country, focusing its efforts primarily on Islamist groups. It reinforced the tightened security measures put in place following a 1996 prison mutiny in Benghazi by arresting possible dissidents, conducting military operations in the areas of insurrection, and killing a number of persons.

In October 2001, mobs killed an estimated 150 Africans, including a Chadian diplomat, in the worst outbreak of antiforeigner violence since Qadafi took power in 1969. Government security forces reportedly intervened to stop the violence, but then deported hundreds of thousands of African migrant workers by driving them in convoys to the southern border and leaving them stranded in the desert (*see* Section 6.e.).

In November 2001, a German court found four persons, including a former government diplomat, guilty of murder and attempted murder in connection with the 1986 bombing of the La Belle disco in then-West Berlin. In rendering his oral verdict, the judge declared that there was clear government responsibility. The German govern-

ment immediately called upon the Government to admit responsibility and provide compensation for the victims.

U.N. sanctions against the country were suspended in 1999 after the Government surrendered two suspects wanted in connection with the bombing of Pan Am flight 103 over Scotland in 1988, which killed 259 persons on board and 11 persons on the ground. On March 14, a Scottish appellate court in the Netherlands upheld the conviction of government agent Abdelbasset al-Megrahi in connection with the bombing. In September Megrahi appealed the case to the European Court of Human Rights, alleging that his rights were breached during his 2000-2001 trial and the subsequent appeal. U.N. Security Council resolutions required the country to fulfill certain obligations regarding the Pan Am 103 bombing before sanctions may be permanently lifted, including accepting responsibility for the actions of its officials and paying appropriate compensation.

In March 1999, a French court convicted in absentia six defendants in the bombing of UTA flight 772 over Chad in 1989, which killed 171 persons, and sentenced them to life in prison. In July 2000, the Government paid the French government $31 million (17 million dinars) to compensate the victims' families. During Foreign Minister Shalgam's official visit to Paris in October, the country agreed to pay further compensation to the families of UTA victims who did not receive compensation from the 2000 settlement.

b. Disappearance.—In the past year, there were no reports of abductions; however, the Government in the past has abducted and killed dissidents in the country and abroad.

In January accusations of government responsibility for the 1978 disappearance of Lebanese Shi'a leader Imam Mousa al-Sadr and two of his companions in the country resurfaced when Qadhafi announced his intention to attend the Arab League Summit meeting in Beirut in March. A Lebanese Shi'a Muslim group called the Sadr Brigades responded by threatening unspecified action against Qadhafi if he came to Beirut, causing him to cancel his visit. The Government denied any involvement in Musa Sadr's disappearance, and in August the Government issued a public appeal for any information related to the disappearance. In October the Sadr Brigades publicly vowed vengeance against Qadhafi based on information it said Iran had provided which proved the country's culpability.

The Government did not take any action in the 1993 disappearance in Cairo of its citizen Mansur Kikhiya, a human rights and political activist.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law provides for fines against any official using excessive force; nonetheless, there were no known cases of prosecution for torture or abuse. Security personnel routinely torture prisoners during interrogations or for punishment. Government agents reportedly detained and tortured foreign workers, particularly those from sub-Saharan Africa. Reports of torture were difficult to corroborate because many prisoners were held incommunicado. In July Qadhafi's son, Saif al-Islam, announced that the Government would make public the names of any government personnel involved in torture, even if they were senior officials, and would bring them trial. The Government had not made public any names by year's end. Methods of torture reportedly included: chaining to a wall for hours; clubbing; applying electric shock; applying corkscrews to the back; pouring lemon juice in open wounds; breaking fingers and allowing the joints to heal without medical care; suffocating with plastic bags; depriving of food and water; hanging by the wrists; suspending from a pole inserted between the knees and elbows; burning with cigarettes; attacking with dogs; and beating on the soles of the feet.

In May a court sentenced Ahmad Muhammad Ahmad al-Sharif, Sayyid Muhammad Ahmad, Dahmu Muhammad Abu Bakr al-Sharif, and Barkah Sidi Jira Barkah to have their right hands and left legs amputated in punishment for theft. The sentences were carried out in July and were the first in the country since Qadhafi came to power 1969.

On September 6, the World Organisation Against Torture (OMCT) reported that Mohammad Massaud Izbeda inquired at the Revolutionary Committee Headquarters as to why his son, Abdallah Mohammad Massaud Izbeda, had not been among the 62 prisoners released by the Government on September 1. Authorities at the headquarters detained and tortured Mr. Izbeda. According to reports, he was released later that day and died the same night. Security forces reportedly attempted to remove Izbeda's body from its gravesite on September 13 when a group of young persons intervened. Authorities arrested several, subjecting at least one, Seif Salem Aljadik, to torture, and reportedly killing others. Authorities also demolished both Mr. Izbeda and Mr. Aljadik's homes (*see* Section 1.a.).

In May 1999, in a much publicized case involving the HIV infection of nearly 400 children, 16 defendants, including 6 Bulgarians and 1 Palestinian, all health professionals, claimed that their confessions had been obtained under duress. In February a court in Benghazi conducted an official inquiry into the defendants' claims of torture. Defense lawyers for the professionals told the press that the inquiry was completed but the results were not communicated to the defense. In November the seven suspects told the Sunday Times that they had signed confessions after months of torture. The torture methods they described included electric shocks, beatings, sleep deprivation, intimidation by police dogs, and forcing one female suspect to undress and threatening to insert a lighted lamp into her vagina. These signed confessions are now the prosecution's best evidence against the suspects. The case remained pending at year's end. According to Amnesty International (AI), although the verdict was supposed to be announced in September 2001, no such action has occurred.

In 1998 152 professionals and students were arrested in Benghazi for alleged involvement with an Islamic organizations not known to have used or advocated violence. An international human rights organization noted that the defendants were subjected to arbitrary arrest, torture, and ill-treatment while being held in incommunicado detention (*see* Sections 1.d. and 1.e.).

Prison conditions reportedly were poor. According to AI, political detainees reportedly were held in cruel, inhuman, or degrading conditions, and denied adequate medical care, which led to several deaths in custody. The Government did not permit prison visits by human rights monitors, including the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention, or Exile.—By law the Government may hold detainees incommunicado for unlimited periods. Security forces arbitrarily arrested and detained citizens. The Government held many political detainees incommunicado in unofficial detention centers controlled by members of the Revolutionary Committees.

Scores of businessmen, traders, and shop owners have been arrested arbitrarily on charges of corruption, dealing in foreign goods, and funding Islamic fundamentalist groups in violation of the 1994 Purge Law. The Purge Law was established to fight financial corruption, black marketeering, drug trafficking, and atheism. "Purification committees enforced the law.

Hundreds of political detainees, many associated with banned Islamic groups, reportedly were held in prisons throughout the country (but mainly in the Abu Salim prison in Tripoli); many have been held for years without charge. Some human rights organizations estimated this number to be as high as 2,000. Hundreds of other detainees may have been held for periods too brief (3 to 4 months) to permit confirmation by outside observers.

On February 16, a People's Court in Tripoli sentenced to death Salem Abu Hanak and Abdullah Ahmed Izzedin, 2 out of at least 152 professionals who were arbitrarily arrested in 1998 in Benghazi for involvement with Islamic organizations. Eighty-six of the 152 men were sentenced while 66 were acquitted. Those who were convicted received sentences ranging from 10 years to life imprisonment. The appeal trial opened on December 14. AI reported that lawyers for the accused were neither allowed to study their case files nor to meet with their clients. The lawyers were denied access to the court, and the judge appointed government clerks to replace them. Family members were allowed to meet the accused briefly for the first time since their arrest in April 2001, but then not again until at least December 2001 (*see* Sections 1.c. and 1.e.).

In May 1999, the 16 defendants of the case involving the HIV infection of nearly 400 children were kept in incommunicado detention for approximately 10 months, without access to their families or legal representation (*see* Sections 1.c. and 1.e.).

On September 1, the Government freed 62 political prisoners, including Muhammad Ali al-Akrami, al-Ajili Muhammad Abd al-Raham al-Azhari, Muhammad Ali al-Qajiji, Salih Omar al-Qasbi, and Muhammad al-Sadiq al-Tarhuni, who had been imprisoned since 1973 for their peaceful involvement with the prohibited Islamic Liberation Party.

On September 1, the Government pardoned 50 Egyptian prisoners and deported them to Egypt. In October the Government returned 238 Nigerian prisoners arrested in anti-African riots in July 2001 to Nigeria to serve out jail terms imposed by courts, following an appeal by the Nigerian government.

There was no information available on Abdullah Ali al-Sanussi al-Darrat, who was detained without charge and has not had a trial since 1973 (*see* Section 2.a.).

The Government did not impose forced exile as a form of punishment, and it continued to encourage citizen dissidents abroad to return, promising to ensure their safety. It is unclear whether such promises were honored. The Government repatriated dozens of family members of suspected citizen al-Qa'ida members from Afghan-

istan and Pakistan in waves throughout the year. Although the Government publicly guaranteed their safety, the likelihood of such safety remained unclear. Students studying abroad have been interrogated upon their return.

In connection with the September 2000 mob violence against sub-Saharan workers, many sub-Saharan Africans, including Chadians, Ghanaians, and Nigerians were repatriated after seeking assistance from their embassies.

e. Denial of Fair Public Trial.—The judiciary was not independent of the Government, and security forces had the power to pass sentences without trial. The Government used summary judicial proceedings to suppress domestic dissent.

There were four levels of courts: summary courts, which tried petty offenses; the courts of first instance, which tried more serious crimes; the courts of appeal; and the Supreme Court, which was the final appellate level.

Special revolutionary courts tried political offenses. Such trials often were held in secret or even in the absence of the accused. In other cases, the security forces had the power to pass sentences without trial, especially in cases involving political opposition. In the past, Qadhafi has incited local cadres to take extrajudicial action against suspected opponents.

The private practice of law is illegal; all lawyers must be members of the Secretariat of Justice.

On February 16, in the trial of the 152 professionals and students who were arrested in Benghazi for alleged involvement with an Islamic organization, an international human rights organization noted that the trial was held in secret and that the judges hearing the case were not legally qualified. At the time of their arrest, the defendants were not informed of the charges against them nor were they allowed to meet their lawyers for consultation (*see* Sections 1.c. and 1.d).

On February 17, the special People's Court, charged with trying 16 health professionals (9 Libyans, 1 Palestinian, and 6 Bulgarians) in 1999 for allegedly infecting 400 children with HIV, dropped the conspiracy charge and transferred the proceedings to the criminal court. The attorney defending the persons claimed he was allowed to meet with his clients twice in the 3 years since their jailing. The case was still pending at year's end (*see* Sections 1.c. and 1.d.).

The Government held a large number of political prisoners. AI estimated that there were hundreds of persons imprisoned for political reasons; other groups put that number as high as 2,000. According to AI, in September 62 prisoners were released on the 33rd anniversary of Qadhafi coming to power.

The Government did not permit access to political prisoners by international human rights monitors.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Government does not respect the right to privacy. Security agencies often disregarded the legal requirement to obtain warrants before entering a private home. They also routinely monitored telephone calls.

The security agencies and the Revolutionary Committees oversaw an extensive network of informants; one credible foreign observer estimated that 10 to 20 percent of the population was engaged in surveillance for the Government. Exiles reported that family ties to suspected government opponents may result in harassment and detention. The Government may seize and destroy property belonging to "enemies of the people" or those who "cooperate" with foreign powers. In the past, citizens reported that the Government warned members of the extended family of government opponents that they too risked the death penalty.

The law provides for the punishment of families or communities that aid, abet, or do not inform the Government of criminals and oppositionists in their midst. The crimes include "obstructing the people's power, instigating and practicing tribal fanaticism, possessing, trading in or smuggling unlicensed weapons, and damaging public and private institutions and property." The law also provides that "any group, whether large or small," including towns, villages, local assemblies, tribes, or families, be punished in their entirety if they are accused by the General People's Congress of sympathizing, financing, aiding in any way, harboring, protecting, or refraining from identifying perpetrators of such crimes. Punishment under the Collective Punishment Law ranges from the denial of access to utilities (water, electricity, telephone), fuels, food supplies, official documents, and participation in local assemblies, to the termination of new economic projects and state subsidies. The "Code of Honor", passed by the People's General Congress in 1997, provides for collective punishment to be inflicted on the relatives of persons having committed certain crimes, normally opponents of the regime.

The 1994 Purge Law provides for the confiscation of private assets above a nominal amount, describing wealth in excess of such undetermined amounts as "the fruits of exploitation or corruption." In 1996 the Government ordered the formation

of hundreds of "Purge" or Purification Committees composed of young military officers and students. The Purification Committees reportedly seized some "excessive" amounts of private wealth from members of the middle and affluent classes; the confiscated property was taken from the rich to be given to the poor in an effort to appease the populace and to strengthen the Government's power and control over the country. The activities of the Purification Committees continued during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government severely limited the freedoms of speech and of the press. This was especially true with regard to criticism of Qadhafi or his government. The occasional instances of criticism of political leaders and policies in the state-controlled media usually were government attempts to test public opinion or weaken a government figure who may be a potential challenger to Qadhafi. The authorities tolerated some difference of opinion in People's Committee meetings and at the General People's Congress.

The Government did not respond to requests on the whereabouts of the journalist Abdullah Ali al-Sanussi al-Darat, who has been detained without trial or charges brought against him since 1973 (*see* Section 1.d.).

In April the press announced that the Government had revoked writer Farag Sayyid Bul-Isha's citizenship as a punishment for his participation in a program on Al-Jazeera.

The Government restricted freedom of speech in several ways: by prohibiting all political activities not officially approved; by enacting laws so vague that many forms of speech or expression may be interpreted as illegal; and by operating a pervasive system of informants that created an atmosphere of mistrust at all levels of society (*see* Section 1.f.).

The State owns and controlled the media. There was a state-run daily newspaper, Al-Shams, with a circulation of 40,000. Local Revolutionary Committees published several smaller newspapers. The official news agency, JANA, was the designated conduit for official views. The Government did not permit the publication of opinions contrary to its policy. Such foreign publications as Newsweek, Time, the International Herald Tribune, L'Express, and Jeune Afrique were available, but authorities routinely censored them and had the power to prohibit their entry into the market.

Technology has made the Internet and satellite television widely available in the country. According to numerous anecdotal reports, both were accessed easily in Tripoli.

The Government restricted academic freedom. Professors and teachers who discussed politically sensitive topics face the risk of government reprisal.

b. Freedom of Peaceful Assembly and Association.—The Constitution does not provide for the right of assembly, and the Government severely restricted this right. Public assembly was permitted only with government approval and in support of the Government's positions.

The Government restricted the right of association; it grants such a right only to institutions affiliated with the Government. Under the law, political activity found by the authorities to be treasonous is punishable by death. An offense may include any activity that is "opposed to the principles of the Revolution."

c. Freedom of Religion.—The Government restricted freedom of religion. The country is overwhelmingly Sunni Muslim, and the leadership states publicly its preference for Islam.

In an apparent effort to eliminate all alternative power bases, the Government banned the once powerful Sanusiyya Sufi order of Islam. In its place, Qadhafi established the Islamic Call Society (ICS), which was the outlet for state-approved religion, as well as a tool for exporting the revolution abroad. The ICS also was responsible for relations with other religions, including Christian churches in the country. In 1992 the Government announced that the ICS would be disbanded; however, its director still conducted activities, suggesting that the organization remains operational. The Government heavily censored its clerics. Islamic groups whose beliefs and practices were at variance with the state-approved teaching of Islam were banned. Although most Islamic institutions were under state control, some mosques were endowed by prominent families; however, they generally followed the Government-approved interpretation of Islam. Government officials repeatedly denounced militant Islam throughout the year.

Members of some minority religions were allowed to conduct services. Christian churches operated openly and were tolerated by the authorities. However, Chris-

tians were restricted by the lack of churches; there was a government limit of one church per denomination per city.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government usually does not restrict the internal movement of citizens, but it has imposed blockades on those cities and regions (primarily in the east) in which antigovernment attacks or movements originated.

The Government required citizens to obtain exit permits for travel abroad and limited their access to hard currency. A woman must have her husband's permission to travel abroad (*see* Section 5). Authorities routinely seized the passports of foreigners married to citizens upon their entry into the country.

The right of return exists. The Government has called on students, many of whom receive a government subsidy, and others working abroad, to return to the country on little or no notice.

The Government expelled noncitizens arbitrarily. The Government repatriated dozens of family members of suspected al-Qa'ida members from Afghanistan and Pakistan in waves throughout the year.

Following reports in October 2001 of mob violence in which 150 African workers were killed, the Government expelled hundreds of thousands of African migrants by driving them in convoys to the border with Niger and Chad and abandoning them there in the desert (*see* Sections 1.a., 5 and 6.e.). In February 2000, eight nationals were forcibly returned from Jordan and in July 2000 four nationals were forcibly returned from Pakistan. All were suspected of having sympathies with certain religious groups.

While the country has acceded to the 1969 Organization of African Unity Convention on refugees, it is not a signatory to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol. The law does not include provisions for granting asylum, first asylum, or refugee status. The U.N. High Commissioner for Refugees (UNHCR) reported that there were approximately 33,000 refugees in the country, including 30,000 Palestinians and 3,000 Somalis. During 2001 the UNHCR assisted approximately 1,300 of the most vulnerable refugees in the country and supported income-generating programs for refugee women. The Government cooperated with UNHCR and provided free housing to approximately 850 refugees.

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

The Government denied citizens the right to change their government. Major government decisions were controlled by Qadhafi, his close associates, and committees acting in his name. Political parties were banned. Qadhafi appointed military officers and official functionaries down to junior levels. Corruption and favoritism, partly based on tribal origin, were major problems that adversely affected government efficiency.

In theory, popular political participation is provided by the grassroots People's Committees, which are open to both men and women, and which send representatives annually to the national General People's Congress (GPC). The GPC is chosen by Qadhafi and merely approves all recommendations made by him.

Qadhafi established the Revolutionary Committees in 1977. These bodies consisted primarily of youths who guard against political dissent. Some committees have engaged in show trials of government opponents; the committees also have been implicated in the killing of opponents abroad. The committees approve all candidates in elections for the GPC.

There was no reliable information on the representation of women and minorities in the Government.

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

The Government prohibits the establishment of independent human rights organizations.

The Government created the Libyan Arab Human Rights Committee in 1989. The committee was not known to have published any reports.

The Government has not responded substantively to appeals from AI on behalf of detainees.

In June the African Union (AU) nominated the country to chair the 57th UN Commission on Human Rights (CHR). The nomination renewed international scrutiny of the country's human rights record and caused international organizations to criticize the AU for backing the country. The Government publicly dismissed criticism of its human rights record in August, issuing a statement that "respect of

human rights is enshrined." In September Qadhafi's son Saif al-Islam defended the country's nomination on the grounds that chairing the CHR would influence the Government into better behavior.

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

The Constitution prohibits discrimination based on these factors; however, the Government did not enforce the prohibitions, particularly those against discrimination against women and tribal minorities.

Women.—Although there was little detailed information regarding the extent of violence against women, it remained a problem. In general, the intervention of neighbors and extended family members tended to limit the reporting of domestic violence. Abuse within the family rarely was discussed publicly, due to the value attached to privacy in society.

Some nomadic tribes located in remote areas still practiced FGM on young girls.

Citizens have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese women and children (*see* Section 6.f.).

The 1969 Constitutional Proclamation granted women total equality. Despite this legal provision, traditional attitudes and practices prevailed, and discrimination against women persisted, keeping them from attaining the family or civil rights formally provided them. Women were reportedly prevented in practice from owning property. A woman must have the permission of her husband or another close male relative to travel abroad (*see* Section 2.d.).

Although their status is still not equal to that of men, the opportunity for women to make notable social progress increased in recent years. Oil wealth, urbanization, development plans, education programs, and even the impetus behind Qadhafi's revolutionary government have contributed to the creation of new employment opportunities for women. In recent years, foreign diplomats have noted a growing sense of individualism in some segments of society, especially among educated youth. For example, many educated young couples preferred to set up their own households, rather than move in with their parents, and viewed polygyny with scorn. Educational differences between men and women have narrowed.

In general, the emancipation of women is a generational phenomenon: urban women under the age of 35 tended to have more "modern" attitudes toward life; however, older urban women tended to have more traditional attitudes toward family and employment. Moreover, a significant proportion of rural women did not attend school and were inclined to instill in their children such traditional beliefs as women's subservient role in society.

Female participation in the workforce, particularly in services, has increased in the last decade. However, employment gains by women were often inhibited by lingering traditional restrictions that discourage women from playing an active role in the workplace and by the resurgence of Islamic fundamentalist values. Some observers have noted that even educated women often lacked self-confidence and social awareness and sought only a limited degree of occupational and social equality with men.

Children.—The Government subsidized education (which is compulsory until age 15) and medical care, and it has improved the welfare of children; however, declining revenues and general economic mismanagement have led to cutbacks, particularly in medical services.

Sudanese girls reportedly have been trafficked and sold as slaves in the country (*see* Section 6.f.).

FGM was practiced on young girls.

Persons with Disabilities.—No information was available on the Government's efforts, if any, to assist persons with disabilities.

National/Racial/Ethnic Minorities.—Arabic-speaking Muslims of mixed Arab and Amazigh ancestry constituted 97 percent of the population. The principal minorities are Amazighs and sub-Saharan Africans. There were frequent allegations of discrimination based on tribal status, particularly against Amazighs in the interior and Tuaregs in the south. The Government manipulated the tribes to maintain a grip on power by rewarding some tribes with money and government positions and repressing and jailing members of various other tribes. The Government also has attempted to keep the tribes fractured by pitting one against another.

Foreigners constituted a significant part of the workforce. According to some estimates, there were 2.5 million foreign workers. Africans in particular have become targets of resentment in the past. In October 2001, mobs of citizens in several locations reportedly killed 150 African workers, including a Chadian diplomat. The Government dispersed the rioters, but then reportedly expelled hundreds of thousands of African workers (*see* Sections 1.a., 2.d., and 6.e.). In September 2000, mobs beat

and killed numerous African workers and, in some cases, burned their places of residence and employment. The mobs blamed the foreign population for increased crime and the presence of HIV/AIDS in the country.

Section 6. Worker Rights

a. The Right of Association.—Independent trade unions and professional associations are prohibited, and workers do not have the right to form their own unions. The Government regards such structures as unacceptable "intermediaries between the revolution and the working forces." However, workers may join the National Trade Unions' Federation, which was created in 1972 and is administered by the People's Committee system. The Government prohibited foreign workers from joining this organization.

The official trade union organization played an active role in the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity. The Arab Maghreb Trade Union Federation suspended the membership of the country's trade union organization in 1993. The suspension followed reports that Qadhafi had replaced all union leaders, and in some cases, with loyal followers without union experience.

b. The Right to Organize and Bargain Collectively.—Collective bargaining does not exist in any meaningful sense, because labor law requires that the Government must approve all agreements.

The law does not provide workers with the right to strike. In a 1992 speech, Qadhafi claimed that workers were permitted to strike but added that strikes do not occur because the workers control their enterprises. There were no reports of strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—Forced or bonded labor is not prohibited by law, and there was no information regarding whether the law prohibits forced or bonded labor by children or whether such practices occured. In its 2000 report, the International Labor Organization's (ILO) Committee of Experts stated that in the country "persons expressing certain political views or views ideologically opposed to the established political, social, or economic system may be punished with penalties of imprisonment," including "an obligation to perform labor." The ILO report also noted that public employees may be sentenced to compulsory labor "as a punishment for breaches of labor discipline or for participation in strikes, even in services whose interruption would not endanger the life, personal safety, or health of the whole or part of the population."

There have been credible reports that the Government arbitrarily forced some foreign workers into involuntary military service or has coerced them into performing subversive activities against their own countries.

Despite the Penal Code's prohibition on slavery, citizens have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese women and children, who were captured by Sudanese government troops in the ongoing civil war in Sudan (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 18. There was no information available on the prevalence of child labor, or whether forced or bonded labor by children is prohibited or practiced (*see* Section 6.c.).

e. Acceptable Conditions of Work.—The labor law defines the rights and duties of workers, including matters of compensation, pension rights, minimum rest periods, and working hours.

Wages, which are forbidden by the Green Book and are actually paid in the form of "entitlements" to workers, frequently were in arrears. A public sector wage freeze was imposed over a decade ago particularly in the face of consistently high inflation. According to some reports, the average family lived on $170 (86.7 dinars) a month. Although there was no information available regarding whether the average wage was sufficient to provide a worker and family with a decent standard of living, the Government heavily subsidized rent, utilities, oil, and every day food staples such as flour and sugar. The legal maximum workweek is 48 hours.

Labor inspectors are assigned to inspect places of work for compliance with occupational health and safety standards. Certain industries, such as the petroleum sector, attempted to maintain standards set by foreign companies. There was no information regarding whether a worker may remove himself from an unhealthy or unsafe work situation without risking continued employment.

Although foreign workers constitute a significant percentage of the work force, the Labor Law does not accord them equality of treatment. Foreign workers were permitted to reside in the country only for the duration of their work contracts and

could not send more than half of their earnings to their families in their home countries. They were subject to arbitrary pressures, such as changes in work rules and contracts, and had little option but to accept such changes or to depart the country. Foreign workers who were not under contract enjoyed no protection.

In 1997 the U.N. Committee on Economic, Social, and Cultural Rights cited inadequate housing, threats of imprisonment to those accused of disobeying disciplinary rules, and accusations of causing a variety of societal problems as some of the problems in the Government's treatment of foreign laborers.

The Government used the threat of expulsion of foreign workers as leverage against countries whose foreign policies ran counter to the Government's.

In October 2001, mobs of citizens in several locations reportedly killed 150 African workers, leading to the deportation of hundreds of thousands of African workers by the Government (*see* Sections 1.a., 2.d., and 5). The violence followed similar attacks on African workers in September 2000.

f. Trafficking in Persons.—There was no information available regarding whether the law specifically prohibits trafficking in persons. However, the offenses of prostitution and related offenses, including sexual trafficking are illegal in the Penal Code.

There have been reports of trafficking in persons. The country was a place of transit for women trafficked from Africa to central Europe, and there were reports that Sri Lankan women were transported through the country as well. In August 2001, Senegalese authorities detained 100 young Senegalese women from boarding a charter flight to the country. According to a media report, in September 2001 two French nationals of Senegalese origin were arrested and charged with organizing international prostitution. There were reports that these women were being sent to the country to work as prostitutes.

Citizens have been implicated in the purchase of Sudanese slaves, mainly southern Sudanese women and children, who were captured by Sudanese government troops in the ongoing civil war in Sudan (*see* Section 6.c.).

MOROCCO

The Constitution provides for a monarchy with a Parliament and an independent judiciary; however, ultimate authority rests with the King, Mohammed VI, who presides over the Council of Ministers, appoints or approves members of the Government, and may, at his discretion, terminate the tenure of any minister, dissolve the Parliament, call for new elections, and rule by decree. Since the constitutional reform of 1996, the bicameral legislature consists of a lower house, the Chamber of Representatives, which is elected through universal suffrage, and an upper house, the Chamber of Counselors, whose members are elected by various regional, local, and professional councils (members of whom are elected directly). The Lower House of Parliament also may dissolve the Government through a vote of no confidence. In September the country held parliamentary elections for the lower chamber that were widely regarded as the first free, fair, and transparent elections in its history. There were instances of administrative mistakes that hampered the voting process in some areas. There were some charges of party members engaging in vote-buying and other irregularities, which the Government was continuing to investigate at year's end. The entire voting process was changed, and was confusing to some voters, which may have reduced turnout (52 percent). Unlike in the past, the Ministry of the Interior oversaw the elections in a manner widely regarded as fair, and actively pursued those who violated electoral laws. The King consulted with the heads of the major political parties concerning the formation of a new government and appointed nonparty member and former Interior Minister Driss Jettou as the new Prime Minister. The judiciary remained subject to government influence and corruption, although government reforms aimed at improvement.

The security apparatus included several overlapping police and paramilitary organizations. The Border Police and the National Security Police were departments of the Ministry of Interior; the Judicial Police lay within the jurisdiction of the Ministry of Justice; and the Royal Gendarmerie reported to the Palace. Civilian authorities maintained effective control of the security forces. Some members of the security forces continued to commit serious human rights abuses, although such abuses decreased somewhat during the year.

The country had a population of approximately 30,645,000. The economy was based on large phosphate reserves, a diverse agricultural sector, fisheries, a sizable tourist industry, and a growing manufacturing sector. Citizens working abroad were

a source of substantial remittances. The Government expected a real GDP increase of 4.2 percent for the year. One in five citizens lived in poverty.

The Government generally respected the rights of its citizens in most areas; however, the Government's record was generally poor in a few areas. Citizens lacked the full ability to change their government. There were two reported deaths in police custody and several prisoners have died while incarcerated. While there were some well-publicized prosecutions for abuses by security forces, the failure to prosecute most other cases raised concerns regarding the Government's commitment to resolving the problem.

Authorities, at times, arbitrarily arrested and detained persons. Human rights groups did not believe that the Government disclosed all the information about citizens who were abducted from the 1960s through the 1980s. At times, the authorities infringed on citizens' privacy rights. Prison conditions remained harsh. The Judiciary lacked independence.

A new Press Code did not change the situation substantially and freedom of the press remained restricted. The police violently dispersed peaceful demonstrations several times during the year. The Government limited freedom of religion. Human rights awareness training continued. Domestic violence and discrimination against women were common. The Government violated worker rights, subjecting unions to government interference, restricting the right to strike and the right to form unions, and using security forces to break up strikes. Child labor was a problem, and the Government did not act forcefully to end the practice of the illegal employment of young girls who were subjected to exploitative domestic servitude. Trafficking in persons was a problem. Morocco was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of politically motivated killings.

In January the local branch of the Moroccan Association for Human Rights (AMDH) alleged that Omar Aouad died as a result of torture in the Kenitra prison. The authorities questioned some prison officials. There was no further action taken during the year.

On November 28, Mohamed Boucetta, imprisoned for petty crime, reportedly died in custody in Laayoune prison in the Western Sahara. According to Saharan activist groups, he told family members two days before his death that he was being tortured and an autopsy indicated that "blows and wounds" caused his death. A prison warden was reportedly in custody concerning the death, and the prison director was reportedly suspended. Media reports suggested that fellow inmates beat him to death. An investigation was ongoing at year's end (*see* Section 1.c.).

In 2001 a policeman was tried and convicted of torture resulting in the death of a person in custody in Sale. In February he was found not guilty on appeal; however, another policeman was convicted in the same case and was sentenced to 15 years' imprisonment (*see* Section 1.c.).

In July 2000, a Royal Armed Forces patrol took Mustapha Najaiji and another person into custody. According to the other person, the patrol beat Najiaji at a Ministry of Interior holding cell. The security forces reported Najiaji committed suicide by hanging himself. The second person later claimed Najiaji died from the beatings. The AMDH reported that the autopsy indicated that Najiaji had been the victim of violence before his death. No charges were filed in the case during the year (*see* Section 1.c.).

After a lengthy investigation, the trial of three policemen accused of manslaughter in the 1996 death in custody of Hassan Mernissi resumed in September 2000 and was still pending at year's end.

b. Disappearance.—There were no new cases of confirmed disappearance. However, the AMDH claimed that the continued practice of incommunicado detention without informing family members of those detained was evidence of the continued practice of forced disappearance (*see* Section 1.d.).

The forced disappearance of individuals who opposed the Government and its policies occurred during several decades. In 1997 the Government pledged that such activities would not recur, and that it would disclose as much information as possible about past cases. The Government provided information and death certificates for many of those who had disappeared over the years. However, hundreds of families did not have any information about their missing relatives, many of whom dis-

appeared over 20 years ago. Authorities stated that they released information on all confirmed disappearance cases.

After years of denying that Sahrawis (inhabitants of the former Spanish Protectorate of Western Sahara) were imprisoned in Morocco for military or political activity related to the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region, the Government released more than 300 such prisoners in 1991. Entire families, and Sahrawis who had disappeared in the mid-1970s, were among those released. The Government failed to conduct a public inquiry or to explain how and why those released spent up to 16 years of incommunicado detention without charge or trial. The former Sahrawi detainees formed an informal association whose principal objective is to seek redress and compensation from the Government for their detention. They reported little progress during the year in gaining government recognition of their grievances.

Since October 1998, the Royal Consultative Council on Human Rights (CCDH) has released information regarding cases of disappearance. However, human rights groups and families continue to claim hundreds more cases of disappearances than the Government, which listed only 112. Many disputed disappearances are from the Western Sahara.

In June the AMDH, the Moroccan Organization for Human Rights (OMDH) and the Forum for Truth and Justice (FVJ) organized a "Caravan of Truth" to Kelaat, M'gouna, a notorious prison for political detainees in the 1970s. More than 500 people went to plead with the authorities to release all information on all the disappeared.

The CCDH also was responsible for assisting the Royal Arbitration Commission in providing compensation to victims of past human rights abuses, or their surviving family members, including Sahrawis. According to the CCDH, the Commission had resolved 422 cases, involving 1027 persons during the first 6 months of the year. However, numerous cases remained pending at year's end.

Nevertheless, human rights organizations continued to maintain that the compensation process was inadequate. Some groups also criticized the small number of cases settled, citing that thousands remained. The CCDH maintained that it completed the disappearance and Sahrawi cases and currently was investigating individual claims, which took longer to resolve.

Associations that sought information regarding those who have disappeared called upon the Government for full disclosure of events surrounding cases that date back to the 1960s. Associations in the Western Sahara that sought information on disappearances were not free from government interference; there were reports that some members of these associations were harassed and intimidated while seeking information regarding missing Sahrawis. Some also continued to be denied passports (*see* Section 2.d.).

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The law prohibits torture, and the Government claimed that the use of torture has been discontinued; however, some members of the security forces tortured or otherwise abused detainees. The Penal Code stipulates sentences up to life imprisonment for public servants who "use or oblige the use of violence" against others in the exercise of their official duties. By law, pretrial-investigating judges must, if asked to do so or if they themselves notice physical marks that so warrant, refer the detained person to an expert in forensic medicine. However, according to human rights groups, judges often ignored this requirement in practice. While there were some well-publicized prosecutions for abuses by security forces, the failure to prosecute most other cases raised concerns regarding the Government's commitment to resolving the problem.

In March approximately 50 off-duty soldiers assaulted civilians in El Hajeb, resulting in more than 20 persons injured (*see* Section 6.f.). The Gendarmerie arrested six of the soldiers, who were tried by a military court and sentenced to 2 months in prison.

The family of Mohamed Boucetta, who died in custody in Laayoune on November 28, claimed that he said that he was being tortured (*see* Section 1.a.).

In February 2001, as a result of police torture a person died in custody in Sale (*see* Section 1.a.).

No charges were filed, nor are likely to be, in the following cases of alleged torture in 2000: Mustapha Najiaji (*see* Section 1.a); Abderrahmane Jamali by police in Casablanca at the request of another person; two cases to extort money by a Royal Gendarmerie officer in Zaio; a Sahawari student in Marrakech after demonstrations; and a university student in Rabat also after a demonstration.

The Government continued to admit past torture and abuses. While it was not willing to prosecute those responsible, the Royal Arbitration Commission continued

to hear and rule on claims and offer restitution to victims and has permitted human rights groups to organize conferences on the subject. In June Supreme Court President Driss Dahak, also President of the Royal Advisory Council on Human Rights, met with Inge Genefke, founder of the International Council for the Rehabilitation of Victims of Torture (a Danish NGO), to discuss financial compensation to victims and the importance of the rehabilitation process. Genefke also urged the Government to permit the U.N. Committee Against Torture to make confidential investigations in the country and to consider individual complaints.

During the year, police violently dispersed demonstrator s (*see* Section 2.b.).

Prison conditions remained harsh, and did not generally meet international standards, despite some improvements in medical care and efforts to expand capacity. Separate facilities were nonetheless maintained for men and for women and for minors. Pretrial detainees were not held separately from convicts.

Extreme overcrowding, malnutrition, and lack of hygiene continued to aggravate the poor health conditions inside prisons. Several fires at prisons, including one in November at El Jadida that claimed 50 lives, raised anxiety about poor incarceration conditions.

In June the Observatory of Moroccan Prisons (OMP) alleged that 12 percent of prisoners were minors that the prison administration failed to protect. The OMP continued to call attention to problems of corruption, maltreatment, malnutrition, sexual abuse, lack of training and education, drug abuse and violence within the prisons, as well as the issue of incarcerating first-time offenders with hardened criminals.

The Government permitted monitors from international humanitarian organizations to visit prisons, including those holding alleged "political prisoners"; however, no organizations visited such prisoners during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution does not prohibit arbitrary arrest or detention, and police continued to use these practices. Although legal provisions for due process have been revised extensively in recent years, reports indicated that authorities sometimes ignored them. Although police usually made arrests in public and during the day, they did not always identify themselves and did not always obtain warrants. Preventive detention is limited to 48 hours, with one 24-hour extension allowed at the prosecutor's discretion. In state security cases, the preventive detention period is 96 hours; the prosecutor may also extend this time. Defendants are denied access to counsel during this initial period, which is when the accused is interrogated and abuse or torture is most likely to occur. There is no access to family members during the initial period. Some members of the security forces, long accustomed to indefinite precharge access to detainees, continued to resist the time limits.

The police were required to notify a person's next of kin of an arrest "as soon as possible." However, lawyers were not always informed promptly of the date of arrest, and thus were not able to monitor compliance with the preventive detention limits. While the law provides for a limited system of bail, it rarely was granted. However, defendants in some instances were released on their own recognizance. The law does not provide for habeas corpus or its equivalent. Under a separate military code, military authorities may detain members of the military without warrants or public trial.

Although accused persons generally are brought to trial within an initial period of 2 months, prosecutors may request up to five additional 2-month extensions of pretrial detention. Thus, an accused person may be kept in detention for up to 1 year prior to trial.

In July Human Rights Watch claimed that about 80 persons had been arbitrarily arrested for al-Qa'ida involvement. Tangier Islamist Abdelouahed Bekhout, accused of al-Qa'ida ties, was released after 40 days confinement on July 12, due to lack of evidence. Most of the remaining detainees were also released.

The law provides for forced exile; however, there were no known instances of its use during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the courts were subject to extrajudicial pressures, including government influence. Some members of the judiciary were corrupt and delays were lengthy in some cases. The Government continued to implement reforms intended to increase judicial independence impartiality, and efficiency.

There are four levels in the common law court system: Communal and district courts; courts of first instance; the Appeals Court; and the Supreme Court. While in theory there is a single court system under the Ministry of Justice, other courts also operate, including: The Special Court of Justice, which handles cases of civil service corruption; administrative courts; commercial courts; and the military tri-

bunal, which also tries state security cases on certain occasions (although the Government may also direct state security cases to the regular court system).

Although there is a single court system for most nonmilitary matters, family issues are adjudicated by a Family Court system formed in July whose judges are trained in Shari'a (Islamic law) as applied in the country. It is not necessary to be a lawyer to become a judge, and the majority of judges are not lawyers. All new judges are graduates of a 3-year training program.

In general detainees are arraigned before a court of first instance. If the judge determines that a confession was obtained under duress, the law requires him to exclude it from evidence. However, according to reliable sources, cases often were adjudicated on the basis of forced confessions.

While appeal courts may in some cases be used as a second reference for courts of first instance, they primarily handle cases involving crimes punishable by 5 years or more in prison. In practice defendants before appeals courts who are implicated in such crimes consequently have no method of appeal. The Supreme Court does not review and rule on cases sent to it by courts of appeal; the Supreme Court may overturn an appellate court's ruling on procedural grounds only. The absence of appeals for defendants in such crimes therefore becomes more problematic given the fact that an investigation into the case by an examining magistrate is mandatory only in those crimes punishable by sentences of life imprisonment or death.

There was some progress in judicial reform, especially in public corruption and judicial disciplinary cases. Efforts continued with modest success to increase efficiency and to end petty corruption, which, according to most observers, remained a routine cost of court business. Additionally, the court system remained subject to extrajudicial pressures.

In June in a well publicized public corruption case, 10 people accused of embezzling tens of millions of dollars from the Caisse Nationale du Credit Agricole (CNCA) were sentenced to 2 to 12 years in prison. Former Minister and ex-head of CNCA Rachid Haddaoui was sentenced to four years' imprisonment. Nine others received sentences totaling 49 years in prison. In addition, the court ordered the reimbursement of approximately $7.4 million (74 million dirhams).

The law does not distinguish political and security cases from common criminal cases. At the Government's discretion, serious state security cases such as those relating to the Monarchy, Islam or territorial integrity may be brought before a specially constituted military tribunal, responsible to the military and the Ministry of Interior.

Aside from external pressures, resource constraints also affected the court system. Although the Ministry of Justice provides an attorney at public expense for serious crimes (when the offense carries a maximum sentence of more than 5 years), appointed attorneys who were not paid enough often provided inadequate representation.

During the year, sensitive human rights issues arose in some cases, most of which were covered openly and extensively by national and international media. Defense attorneys continued to claim that judicial processes in these cases were marked by significant irregularities, and that such irregularities infringed on the right to a fair trial for the accused.

In July 2001, Ahmed Boukhari, a former intelligence agent, made public allegations regarding the Government's role in the 1965 Paris disappearance of socialist leader Mehdi Ben Barka. Authorities subsequently brought charges against him for writing bad checks, and former colleagues successfully sued him for defamation. He served 3 months in prison on the check charge and 3 months on the defamation charge, and he paid fines in both instances.

The Ben Barka case continued to embarrass the Government. Most observers saw the cases against Boukhari as heavy-handed attempts to prevent him from talking about the Ben Barka disappearance. Nevertheless, it was freely covered in the Moroccan press. At year's end, the Government had not responded to Boukhari's request for a passport in order to travel to provide testimony in a French court.

In 1999 and 2000, Mustapha Adib, an Air Force captain, was convicted and reconvicted after the initial conviction was reversed in two military trials for violating the Military Code and libeling the military. The authorities detained Adib after he spoke out against military corruption and harassment to a journalist from the French newspaper Le Monde. The sentence was 2 ½ years in prison, and expulsion from the military. The incident remained a focus of public interest. The truth regarding Adib's accusations of corruption was not a defense and, in fact, never was contested. After his release, Captain Adib gave a number of press interviews. He ran for Parliament but was not elected.

The Government did not consider any of its prisoners to be political prisoners; however, Amnesty International (AI) identified 60 persons whom it considered to be political prisoners.

Various international human rights groups' estimates of the number of persons in prison for advocating independence for the Western Sahara varied from zero to 700. No consensus on a definitive number was reached. Conditions in the Western Sahara complicate attempts to confirm whether Sahrawis were imprisoned solely for their political affiliation or open advocacy of independence, or for other actions in violation of the law. The AMDH claimed that it knew of no persons imprisoned for having solely overtly advocated independence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution states that the home is inviolable and that no search or investigation may take place without a search warrant, and the law stipulates that a search warrant may be issued by a prosecutor on good cause; however, authorities sometimes ignored these provisions.

Government security services monitored certain persons and organizations, both foreign and domestic, and government informers monitored activities on university campuses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression; however, the law permits prison sentences and financial penalties for journalists and publishers who violate its restrictions on defamation, libel and discussion regarding three topics: The Monarchy; territorial integrity; and Islam. The Press Code lists threats to "public order" as one of the criteria for the censor to consider. Within these limits, newspapers and weeklies were published across the political spectrum and were sometimes critical of government policies.

Government control of the media generally was exercised through directives and "guidance" from the Ministry of Interior. Publications that were judged offensive could be confiscated or indefinitely suspended. The Government may censor newspapers directly by ordering them not to report on specific items or events. The Government registered and licensed domestic newspapers and journals and could use the licensing process to prevent the publication of materials that exceeded its threshold of tolerable dissent. The Ministry of Interior could control foreign publications by removing "banned" publications from circulation.

In February the Government passed a new Press Code; however, its substantive changes from the 1958 Code were minimal. The Code reflected compromises over differences between party-oriented officials of the previous government, who wanted increased press freedom, and more conservative officials in the national security, justice, and religious ministries directly appointed by the King. The Government claimed that the bill guaranteed the citizen's right to information, journalists' right to access information, and respect for the practice of journalism while respecting the Constitution, the law and ethics. The new Press Code was not well received by the Moroccan National Union of Journalists (SNPM), various political parties, human rights groups, and international NGOs.

The new law requires the Ministry of the Interior to justify to the courts any seizure or banning of domestic or foreign publications, suspension of the publisher's license, or destruction of equipment. The law continues to provide for jail sentences (3 to 5 years, rather than the 5 to 20 of the 1958 law), fines, and payment of damages for newspaper officials found guilty of libeling public officials.

There were approximately 2,000 domestic and foreign newspapers, magazines, and journals in circulation during the year. The Government owned the official press agency, Maghreb Arab Press (MAP), and the Arabic daily newspaper, Al-Anbaa. The Government also supported two semiofficial dailies, the French-language Le Matin and the Arabic-language Assahra Al Maghribia. In addition the Government subsidized the rest of the press through price controls for newsprint and office space. The Government generally tolerated satirical and often stinging editorials in the opposition parties' dailies. The media continued to engage regularly in self-censorship to avoid possible sanctions.

The Government owned Moroccan Radio-Television (RTM). Another major broadcaster was the French-backed Medi-1, which operated from Tangier. While nominally private and independent, Medi-1 practiced self-censorship, as do other media outlets. A government-appointed committee monitored broadcasts. The Government owned the only television stations whose broadcasts could be received in most parts of the nation without decoders or satellite dish antennas. Dish antennas were in wide use throughout the country. The Government did not impede the reception of foreign broadcasts during the year.

In January the director of the print shop "Safagraphic" accused the secret services of causing $15,000 (150,000 dirhams) damage to his shop, which printed the books and publications of the Islamist Justice and Charity Organization (JCO).

In February the Casablanca Court of Appeals commuted to suspended terms the prison sentences and reduced the fines of the directors of the weekly Le Journal, whom the Minister of Foreign Affairs, Mohamed Benaissa, had sued for libel.

In April an independent weekly, Le Reporter, claimed that an issue of the Al Ayyam newspaper had been banned for publishing an interview in April with attorney Aderrahim Berrada, in which he said that officials should ask public forgiveness for human rights violations in the country.

In May authorities seized 8,000 copies of Issue No. 15 of the periodical Wajhat Nadhar. This issue contained an article and a transcript of an interview about the monarchy with Prince Moulay Hicham, a member of the royal family known for his liberal opinions, who is now in self-imposed exile. However, Demain Magazine later published a full transcript of the interview without incident.

In June the authorities apprehended Jam Roues, a member of the FVJ, while he was making photocopies of a pamphlet compiled during the Caravan of Truth movement, which he refused to turn over to the police. Another FVJ member contacted Interior Minister Driss Jettou, who ordered Roes' immediate release.

During the year, the Government banned French publications (Le Monde, Liberation, and VSD) for articles critical of the Monarchy.

The Government continued to block the publication of the JCO's newspapers Al Addle Awl Insane and Result Al Futaba throughout the year. The authorities blocked two of the JCO's web sites at the same time, with domestic access to them cut off.

In general the press published unflattering articles that would have been censored in past years. The press openly reported on topics such as government corruption and financial scandals, sensitive human rights cases, harsh prison conditions, torture, poverty, prostitution, violence against women, exploitation of child maids, and sexual abuse of children.

Many books that openly criticized Morocco's past were published and sold freely. Five books remained banned, all relating to disappearances and the regime of King Hassan II.

The Government did not block Internet access generally, apart from JCO's Web sites.

Academic freedom was restricted. There was no open debate on the Monarchy, the Western Sahara, and Islam. Government informers monitored campus activities, mostly Islamist, and the Ministry of Interior approved the appointments of rectors (*see* Section 1.f.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the law also permits the Government to suppress peaceful demonstrations and mass gatherings, and at times during the year police forcibly prevented and disrupted gatherings. Most conferences and demonstrations required the prior authorization of the Ministry of Interior, ostensibly for security reasons. Local observers generally agreed that the authorities required a declaration of a public meeting and their own authorization in order for public-venue meetings to proceed, and the authorities only allowed meetings to proceed that they considered non-threatening.

In January police violently dispersed 60 unemployed blind people demonstrating in front of the Parliament in Rabat. Many were injured and 17 were hospitalized.

In February security forces violently dispersed unemployed graduates and journalists in front of Parliament. The unemployed graduates were protesting, and the journalists were planning to attend a press conference on the new Press Code, called by the National Union of the Moroccan Press (SNPM) Secretary General Younes Moujahid. More than 60 demonstrators were injured, 11 seriously. More were injured when the security forces refused to allow additional ambulances to respond.

During the year, most meetings and marches took place peacefully without government interference. In April Rabat experienced the largest demonstration in the country's history, in support of the Palestinians. Conservative estimates placed the crowd at 250,000. The demonstration was peaceful, and the authorities acted with restraint.

Other peaceful demonstrations during the year included: An FVJ sit-in and hunger strike to raise awareness about former political prisoners; an Islamist union sit-in in front of the Education Ministry to protest the nonapplication of the new statute for teachers; and a sit-in to protest the provision of water and electricity as insufficient, irregular, and expensive.

However, there were instances of improper official intervention (and one case of non-action) during the year. In January, for example, unemployed doctors marched

in Rabat. Police intervention resulted in several injuries, and spectators condemned the violent reaction by the authorities. In February four journalists, covering a demonstration of unemployed university graduates, were beaten by police with clubs. Also in February, an Islamist student faction occupied the University of Mohammedia and assaulted numerous other students, while also unlawfully seizing campus facilities. The authorities did not intervene to stop these activities. In April the authorities prevented, for the second time, a demonstration in support of the Berber rights movement in Kabylie, Algeria.

The Constitution provides for freedom of association; however, the Government limited this right in practice. Under a 1958 decree, which was amended substantially in 1973 to introduce restrictions on civil society organizations, persons who wished to create an organization were required to obtain the approval of the Ministry of Interior before holding meetings. In practice the Ministry used this requirement to prevent persons suspected of advocating causes opposed by the Government from forming legal organizations. Historically, extreme Islamist and leftist groups encountered the greatest difficulty in obtaining official approval. Although there were over 20 active Islamist groups, the Government prohibited membership in two, the JCO and Jama'a Islamia, due to their anti-Monarchist orientation. The Ministry of Interior, which has used this power to control participation in the political process, also must approve political parties. However, individual Islamists are not barred from participating in recognized political parties.

Prior to the September Parliamentary elections, the Government decreed that any existing political party that had not participated in at least two elections would be dissolved and that public aid would not be granted to any party that did not hold a congress every four years. To create a new party, a declaration must be submitted to the Interior Ministry, signed by at least 1,000 co-founding members from all regions of the country. Before the election 37 parties were in existence (many created during the year) and 26 of them ran candidates in the elections.

The Party for Justice and Development (PJD) was the only Islamist party that participated in the elections.

c. Freedom of Religion.—The Constitution provides for freedom of religion and Jewish and Christian communities openly practiced their faiths; however, the Government placed certain restrictions on Christian religious materials and proselytizing, and several small religious minorities were tolerated with varying degrees of official restrictions.

The Government monitored the activities of mosques and placed other restrictions on Muslims and Islamic organizations whose activities were deemed to have exceeded the bounds of religious practice and become political in nature. The Constitution provides that Islam is the official religion, and designates the King as "Commander of the Faithful" with the responsibility of ensuring "respect for Islam."

The Government did not license or approve religions or religious organizations. The Government provided tax benefits, land, and building grants, subsidies, and customs exemptions for imports necessary for the observance of the major religions.

The Ministry of Islamic Affairs monitored Friday mosque sermons and the Koranic schools to ensure the teaching of approved doctrine. At times the authorities suppressed the activities of Islamists, but generally tolerated activities limited to the propagation of Islam, education, and charity. Security forces sometimes closed mosques to the public shortly after Friday services to prevent the use of the premises for unauthorized political activity. The Government strictly controlled the construction of new mosques. Most mosques were constructed using private funds.

The Government barred the Islamic JCO as a political party and subjected prominent members to constant surveillance and at times refused to issue passports to them. The Government continued to block JCO web sites and publication of newspapers (*see* Sections 1.f., 2.a., 2.b., and 3).

The teaching of Islam in public schools benefited from discretionary funding in the Government's annual education budget, as did other curriculum subjects. The annual budget also provided funds for religious instruction to the small parallel system of Jewish public schools.

A small foreign Christian community operated churches, orphanages, hospitals, and schools without any restriction or licensing requirement. Missionaries who conducted themselves in accordance with societal expectations largely were left unhindered. However, those who proselytized publicly faced expulsion. Islamic law and tradition called for strict punishment for any Muslim who converted to another faith. Any attempt to induce a Muslim to convert was illegal.

The Government permitted the display and sale of Bibles in French, English, and Spanish, but confiscated Arabic-language Bibles and refused licenses for their importation and sale, despite the absence of any law banning such books. Nevertheless, Arabic Bibles have been sold in local bookstores. This year, there were no

known cases in which foreigners were denied entry into the country because they were carrying Christian materials, as has occurred in the past.

There are two sets of laws and courts—one for Jews and one for Muslims—pertaining to marriage, inheritance, and family matters. The family law courts are administered, depending on the law that applies, by rabbinical or Islamic authorities who are court officials. Parliament must authorize any changes to those laws.

The Government continued to encourage tolerance and respect among religions. In March the Government invited Israel to attend the International Parliamentary Union in Marrakech, despite protests. In May the organization "Al Ghadir" asked for official status. This is the first time an association of Shiite citizens asked for official recognition. No response was received from the authorities by year's end.

Beginning in June, several preachers and religious counselors were accused of exploiting mosques for political purposes, such as promoting Islamist parties. The Ministry of Religious Affairs and Endowments called for permanent control and monitoring of mosques to avoid their exploitation for political propaganda, such as disturbing pamphlets and raising funds.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement; however, the Government restricted this right in certain areas. The Gendarmerie maintained checkpoints throughout the country, at which drivers' licenses and vehicle registrations were examined for validity. In the Moroccan-administered Western Sahara, authorities restricted movement in areas regarded as militarily sensitive.

The Ministry of Interior restricted freedom to travel outside the country in certain circumstances. In addition, all civil servants and military personnel must obtain written permission from their ministries to leave the country. The OMDH and AMDH compiled lists of individuals who reportedly were denied passports or who had passports but were denied permission to travel. The OMDH contended that the Government, in resorting to arbitrary administrative delays, continued to harass former political prisoners who sought to resume normal lives.

In February the FVJ demanded an explanation of the Government's refusal to allow Ahmed Boukhari a passport to travel to Paris to testify in court concerning the Ben Barka case (*see* Section 1.e).

The Government welcomed voluntary repatriation of Jews who had emigrated. Jewish emigres, including those with Israeli citizenship, freely visited the country. The Government also encouraged the return of Sahrawis who departed Morocco due to the conflict in the Western Sahara, provided that they recognized the Government's claim to the region. The Government did not permit Western Saharan nationalists who have been released from prison to live in the disputed territory.

The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. While the country has from time to time provided political asylum to individuals, the issue of first asylum never has arisen. The law does not contain provisions implementing the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol. There were no reports of forced expulsion of persons with a valid claim to refugee status.

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

Constitutional provisions establishing periodic free elections notwithstanding, citizens did not have the full right to change their government. The King, as head of state, appoints the Prime Minister, who is the titular head of government. Constitutional changes in 1992, retained in the Constitution of 1996, authorize the Prime Minister to nominate all government ministers, but the King may nominate ministers himself and has the power to replace any minister at will. The Parliament has the theoretical ability to change the system of government. However, the Constitution may not be changed without the King's approval. The Ministry of Interior appoints the provincial governors (walis) and district administrative officials (local caids). However, the King may nominate walis. Municipal and regional councils are elected. The Government consists of 39 cabinet-level posts, including 6 "sovereign" ministerial posts traditionally appointed by the King himself (Interior, Foreign Affairs, Justice, Islamic Affairs, Defense Administration, and Secretary General of the Government).

On September 27, parliamentary elections were held. Despite some administrative problems and some allegations of misconduct by party officials and local politicians, most observers, both domestic and foreign, concluded that the elections were generally free, fair, and transparent, the first such elections in the country's history.

According to observers, the absence of fraud and manipulation enhanced the credibility of reform efforts generally.

In preparing for the elections, Parliament re-wrote the Electoral Code in its entirety. The new Code included a proportional list system, plus a novel "national list" of 30 seats reserved for women, as a means to increase dramatically the number of women in Parliament. By the time of elections, approximately 37 parties representing mainstream views were in existence, and 26 of them ran candidates. The Government conducted a massive voter education campaign. However, 61 percent of the electorate was illiterate, requiring the ballots to use symbols for all 26 parties. Fifty-two percent of those eligible voted, according to government statistics. The Interior Ministry publicized election violations and moved swiftly to investigate them and prosecute those responsible.

The new Parliament consisted of the 30 women who gained seats reserved for women on the National List, plus five who won seats in their local districts. The previous Parliament had two women in the lower chamber. Women occupied 85 out of 22,600 seats of local communal councils throughout the country. Several proposed parties were not allowed to form during the year. The JCO never has been granted legal status as a political party (*see* Section 2.b.).

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

The Government cooperated with local human rights monitors, who acted within the generally accepted boundaries of political discourse in the country. There were three nationally organized and government-recognized nongovernmental human rights groups: The Moroccan Organization for Human Rights (OMDH), the Moroccan League for the Defense of Human Rights (LMDDH), and the Moroccan Association for Human Rights (AMDH). Former AMDH members formed a fourth group, the Committee for the Defense of Human Rights (CDDH), in 1992. There were also numerous regional human rights organizations. The Government maintained close relations with all of these groups and generally was responsive to them. The AMDH did not cooperate officially with the Government, but usually shared information.

Founded in 1979 and 1988, respectively, the AMDH and OMDH have spent years addressing human rights abuses, and at times were harassed and restricted by the Government. However, some of their former leaders during the year occupied high level posts in the Government, and AMDH and OMDH since 2000 have had "public utility" status, which conferred financial benefits such as government subsidies in recognition of their serving the public interest.

Two prominent national human rights NGOs, the Forum for Truth and Justice (FVJ) and the Moroccan Prison Observatory (OPM), were formed in 1999. Created by victims of forced disappearance and surviving family members, the FVJ's principal goal was to encourage the Government to address openly the issue of past forced disappearances and arbitrary detention. The OPM's main purpose was improving the treatment and living conditions of prisoners. These groups maintained fairly regular contact with government authorities throughout the year.

The Government's attitude toward international human rights organizations depended on the sensitivity of the areas of the NGOs' concern. The Government took a generally cooperative stance, even when some sensitive issues were touched upon, such as disappearances and abuses by security forces. In 2001 AI Secretary General Pierre Sane visited the country. Sane praised "the progress recorded by Morocco in the field of human rights and the methods by which the issue of detainees and exiles was dealt with." However, Sane urged the Government to improve its record regarding cases of political prisoners and the disappeared; he claimed that the Government held 60 political prisoners and had not accounted for 450 disappearances. Sane also urged the Government to investigate and prosecute those responsible for past crimes and abuses. An agreement between AI and the Government for a 10-year human rights education program was negotiated with the Ministry of Human Rights, and training began in September. The Ministry of Human Rights and the Ministry of Education provided human rights education for teachers, although by year's end the subject was not being taught in the classrooms.

In March the country's chapter of AI urged the Government to sign all international human rights conventions and to adapt laws to international standards concerning human rights.

The Government authorized the formation over the summer of a new independent NGO, the National Elections Observatory, to monitor the September 27 elections. Over 3,500 observers were trained and monitored the Parliamentary elections.

The Royal Consultative Council on Human Rights (CCDH), a 12 year-old advisory body, counseled the Palace on human rights issues, and was the organization charged by the King to resolve cases related to persons who had disappeared. De-

spite recent changes in the composition and conduct of the Council, some human rights organizations urged further changes to increase the voice of civil society in the CCDH. In December the King appointed former Minister of Justice Omar Azziman as President and former political prisoner Driss Benzekri as the Secretary General of the CCDH. Benzekri was jailed for 17 years, and, since his release, had worked helping former political prisoners file claims for compensation. He was vice president of OMDH and a leader in FVJ.

The Government continued its efforts to institutionalize human rights training within the national school curriculum. In May a delegation from AMDH, OMDH, and FVJ met with the Interior Minister to urge speeding up the slow process of examining the files of victims of human rights abuses. The Government and NGOs hosted several human rights conferences throughout the year.

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

The Constitution provides for the equality of all citizens; however, women faced discrimination in the law and in traditional practice.

Women.—Spousal violence was common. Although a battered wife had the right to file a complaint with the police, as a practical matter she would do so only if prepared to bring criminal charges. While physical abuse legally was grounds for divorce, a court would grant a divorce only if the woman were able to provide two witnesses to the abuse. Medical certificates were not sufficient. If the court found against the woman, she was returned to her husband's home. Thus, few women reported abuses to the authorities. However, there was substantial progress in making the public aware of problems concerning women, children, the handicapped and minorities.

The Criminal Code provides for severe punishment for men convicted of rape or sexual assault. The defendants in such cases bear the burden of proving their innocence. However, sexual assaults often go unreported because of the stigma attached to the loss of virginity. While not provided for by law, victims' families may offer rapists the opportunity to marry their victims in order to preserve the honor of the family. Spousal rape was not a crime.

The law is more lenient toward men with respect to crimes committed against their wives. "Honor crimes," a euphemism that refers to violent assaults with intent to commit murder against a female for her perceived immodest or defiant behavior remained extremely rare. However, two cases of killings did occur in March. In Skhirat the father of 17-year old Hanna Bousalhi slit her throat and stabbed her for allegedly having a relationship with a male classmate. He was sentenced to 20 years in prison. In Sale the husband of Fatna Kriaa was convicted of killing her for allegedly having an affair with his cousin.

Prostitution was prevalent, especially in urban centers. There were thousands of teenagers involved in prostitution. Although prostitution itself is against the law, the Government did not prosecute women who were coerced into providing sexual services. Trafficking in persons, particularly in child maids, was a problem (*see* Section 6.c. and 6.f.).

Women were subjected to various forms of legal and cultural discrimination. The civil law status of women is governed by the Code of Personal Status (known as the "Moudawana"), based on the Malikite school of Islamic law, and revised in 1993. Women's groups called attention to unequal treatment under the Code, particularly under the laws governing marriage, divorce, and inheritance. Women do not automatically lose child custody in divorce cases. However, the courts generally rule in favor of the parent who did not file for the divorce. Citizenship passes through the father.

Under the Criminal Code, women generally are accorded the same treatment as men, but this is not the case for family and estate law, which is based on the Code of Personal Status. Under the Code of Personal Status, women inherit only half as much as male heirs. Moreover, even in cases in which the law provides for equal status, cultural norms often prevented a woman from exercising those rights. For example, when a woman inherits property, male relatives may pressure her to relinquish her interest.

While many well-educated women pursue careers, few rise to the top echelons of their professions. Women constitute approximately 35 percent of the work force, with the majority in the industrial, service, and teaching sectors. In 1998 (the last official statistics available) the Government reported that the illiteracy rate for women was 67 percent (83 percent in rural areas), compared with 41 percent for men (50 percent in rural areas). Women in rural areas were most affected by inequality. Women who earned secondary school diplomas had equal access to university education.

The King and the Government continued to promote their proposal to reform the Personal Status Code in order to advance women's rights. Islamists and some other traditional segments of society firmly opposed the proposal, especially with respect to its more controversial elements, such as reform of women's legal status in marriage and family law issues.

In March 2001, the King and Prime Minister met with 40 representatives of women's organizations at the Royal Palace. The King subsequently established a Consultative Commission for the Moudawana. Several months later, a number of organizations formed a collective, the "Spring of Equality," to protest the lack of movement on the Code of Personal Status reform. The Spring of Equality continued to protest during the year over the lack of progress in reform.

Women made dramatic progress in the parliamentary elections (*see* Section 4). Many NGOs (76 by one count) worked to advance women's rights and to promote women's issues. Among these were the Democratic Association of Moroccan Women, the Union for Women's Action, and the Moroccan Association for Women's Rights, all of which advocated enhanced political and civil rights, as well as numerous NGOs that provided shelters for battered women, taught women basic hygiene, family planning, and child care, and promoted literacy. In March on International Women's Day, 40 women's groups staged a sit-in in front of Parliament, demanding "Citizenship, Equality and Dignity for Women."

In February an NGO released the results of a study in Casablanca. According to the study of 300 single mothers, 31 percent were child maids under the age of 15; 28 percent were factory workers; 18 percent were unemployed; and 13 percent were adult housekeepers.

Children.—The Government remained committed to the protection of children's welfare and attempted to do so within the limits of its budgetary resources. The law provides for compulsory education for children between the ages of 7 and 13; however, not all children between these ages attended school due to family decisions and shortfalls in government resources, and the Government did not enforce the law. School attendance between the ages of 7 and 13 was 98 percent.

The Government had difficulty addressing the problem of child labor (*see* Section 6.c. and 6.d.). Young girls were exploited as domestic servants on a very large scale (*see* Section 6.f.). Teenage prostitution in urban centers has been estimated in the thousands by NGO activists. The clientele consisted of both foreign tourists and citizens. More young girls than boys were involved.

The practice of adoptive servitude, in which urban families employ young rural girls and use them as domestic servants in their homes, was prevalent (*see* Sections 6.d. and 6.f.). Credible reports of physical and psychological abuse in such circumstances were widespread. Some orphanages have been charged as complicit in the practice. More often parents of rural girls "contracted" their daughters to wealthy urban families and collected the salaries for their work as maids. Adoptive servitude was accepted socially, was unregulated by the Government, and has only in recent years begun to attract public criticism. Since 2000 the National Observatory of Children's Rights (ONDE) has conducted a human rights awareness campaign regarding the plight of child maids.

The number of children working illegally as domestic servants was high: 45 percent of household employees under the age of 18 were between the ages of 10 and 12, and 26 percent were under the age of 10, according to a 2001 joint study by the Moroccan League for the Protection of Children and UNICEF. The legal minimum age of employment is 15 years. The report denounced the poor treatment a number of the children received, such as being forced to work all day with no breaks. The League demanded that the Government increase the minimum age for employment and strengthen the protection of child workers. The Government continued to have difficulty addressing the related problem of child labor in general (*see* Section 6.d). However, many children worked either as domestic servants, artisan "apprentices," or in some other capacity that kept them from attending school.

Another problem facing abandoned children of both sexes was their lack of civil status. Civil status is necessary to obtain a birth certificate, passport, or marriage license. If a father did not register his child, the child was without civil status and the benefits of citizenship. It is possible for an individual to self-register, but the process is long and cumbersome. While any child, regardless of parentage, may be registered within a month of birth, a court order is required if registration does not take place in that time.

In January the issue of sexual abuse of children received increased public attention, when a 9-year old girl, Loubna Mahjoubi, died following sexual abuse. Pavillion 28, a Casablanca center that performed forensic medical examinations on child victims, reported seeing 200 abused children during the year. Half of those cases were

sexual abuse cases. Child sexual abuse may be increasing, and NGOs advocated stiffer sentences.

In April a new law provided that children born out of wedlock can now carry the father's name. Islamists criticized the new law. Single mothers were heavily stigmatized.

Persons with Disabilities.—There are no laws to assist persons with disabilities. A high incidence of disabling disease, especially polio, has resulted in a correspondingly high number of persons with disabilities. The latest statistics from the Government estimated the number of persons with disabilities at 2.2 million, or 7 percent of the population. However, other estimates were as high as 3 million. While the Ministry of Social Affairs attempted to integrate persons with disabilities into society, in practice integration largely was left to private charities. The annual budget for the ministerial department in charge of affairs concerning persons with disabilities was only.01 percent of the overall annual budget. The Royal Family, through the use of the Mohammed V Solidarity Fund, continued to aid the country's disabled population. Nonprofit special-education programs were priced beyond the reach of most families. Typically, their families supported persons with disabilities; some survived by begging.

National/Racial/Ethnic Minorities.—The official language is Arabic. Both French and Arabic were used in the news media and educational institutions. Science and technical courses were taught in French, thereby preventing the large, monolingual-Arabic-speaking population from participation in such programs. Educational reforms in the past decade have emphasized the use of Arabic in secondary schools. However, failure to transform the university system similarly has led to the disqualification of many students from higher education in lucrative fields. The poor lacked the means to provide additional instruction in French to supplement the few hours per week taught in public schools.

Approximately 60 percent of the population claim Berber heritage, including the Royal Family. Berber cultural groups contended that Berber traditions and the Berber language were being lost rapidly. A number of Berber associations claimed that the Government refused to register births for children with traditional Berber names, discouraged the public display of the Berber language, limited the activities of Berber associations, and continued to Arabize the names of towns, villages, and geographic landmarks. Nevertheless, a full page of a major national newspaper was devoted on a monthly basis to articles and poems on Berber culture, which were printed in the Berber language. Official media broadcast in the Berber language for limited periods each day.

Section 6. Worker Rights

a. The Right of Association.—Workers are free to establish and join trade unions, although the laws reportedly have not been implemented in some areas, and the unions were not completely free from government interference. About 600,000 of the country's 10 million workers were unionized in 17 trade union federations. Four federations dominated the labor scene: The Union Marocaine du Travail (UMT), the Confederation Democratique du Travail (CDT); the Union Generale des Travailleurs Marocains (UGTM); and the Islamist-oriented Union Nationale du Travail au Maroc (UNTM). Most were linked to political parties.

Union officers were sometimes subject to government pressure. Union leadership did not always uphold the rights of members to select their own leaders. There was no case of the rank and file voting out its current leadership and replacing it with another.

There is no law specifically prohibiting antiunion discrimination. Under the ostensible justification of "separation for cause," employers have dismissed workers for union activities that were regarded as threatening to employer interests.

According to the IFCTU, in November 2000, the management of a multinational textile factory in Sale responded to their employees' election of eight members of a trade union committee by firing all eight elected workers and posting a large banner at the factory entrance that read "NO UNION." The eight trade union leaders subsequently were harassed and assaulted by company security personnel. They were detained briefly at a police station. The Governor of Sale reportedly rejected publicly the existence of trade unions in his district. The eight workers ultimately returned to their jobs, and were able to establish a union.

The courts have the authority to reinstate such workers and were able to enforce rulings that compelled employers to pay damages and back pay. Unions may sue to have labor laws enforced, and employers may sue unions when they believe that unions have overstepped their authority.

Unions belonged to regional labor organizations and maintained ties with international trade union secretariats. The UMT was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is implied in the constitutional provisions on the right to strike and the right to join organizations; however, the laws governing collective bargaining were inadequate and often ignored in several companies and even within the public sector. Trade union federations competed among themselves to organize workers. Any group of eight workers may organize a union and a worker may change union affiliation easily. A work site may contain several independent locals or locals affiliated with more than one labor federation.

Collective bargaining has been a longstanding tradition in some parts of the economy, such as the industrial sector, and is becoming more prevalent in the service sector, including banking, health and the civil service. The wages and conditions of employment of unionized workers generally were set in discussions between employer and worker representatives. However, wages for the vast majority of workers were set unilaterally by employers. Labor disputes have arisen in some cases as the result of employers failing to implement collective bargaining agreements. The most serious recent example was the Government's failure to implement an agreement negotiated with the three major teachers' unions in December 2000. Following the Government's failure to include any needed adjustments in its 2002 budget, the major teachers' unions struck for 3 days in November 2001. The strike was met with police repression, leaving several teachers injured.

While workers have a right to strike, the law requires compulsory arbitration of disputes. Work stoppages normally were intended to advertise grievances and lasted 24 to 72 hours or less. Butchers in the Greater Casablanca region conducted the most effective strike. They carried out a work stoppage of more than a week to protest increased fees at a new abattoir.

Compared to the previous year, there was a significant drop in labor unrest, which CDT leaders claimed was due less to a "détente in social tensions" than to economic stagnation. Unions organized 166 work stoppages during the first 9 months of the year resulting in 101,897 lost workdays, according to Labor Ministry statistics. During the corresponding first 9 months of 2001, there were 193 strikes resulting in 204,871 lost workdays.

During the year, the police were called out on several occasions to remove protesters who were members of the Moroccan Association of Unemployed College Graduates. In December police beat an estimated 30 unemployed graduates when they refused to disperse from the Moroccan Parliament building. Also in December the UMT complained that 24 union members at a plant in Kenitra were arrested for demanding the minimum wage of $180 (1800 dirhams) per month. At various times, dockworkers at Casablanca Port were summarily dismissed for, as the UMT described it, "demanding their rights." Article 288 of the Penal Code, which the UMT wants repealed, permits employers to initiate criminal prosecutions of workers for stopping work if they strike. The Government has the authority to break up demonstrations in public areas that do not have government authorization, or to prevent the unauthorized occupancy of private space such as a factory.

In the past, the Government in a number of instances used security forces to break up demonstrating strikers, at times using excessive force in doing so. For example, in May 2001, 11 protesters were hospitalized after police forcibly removed them from a sit-in at the Ministry of Agriculture, and in October 2001 police violently broke up a sit-in at a strike by the port workers union USTPM.

There were no charges filed, nor are there likely to be, after investigations in the August 2000 incident in which the nephew of a private transportation company owner drove a bus into a crowd killing 3 strikers and injuring 12, nor in the February 2000 operation in Tarmilet where security forces arrested and injured dozens of striking workers using rubber bullets, tear gas, and water cannons.

Employers wishing to dismiss workers are required by law to notify the provincial governor through the labor inspector's office. In cases in which the employer plans to replace dismissed workers, a government labor inspector provides replacements and mediates the cases of workers who protest their dismissal. Any worker who is dismissed for committing a serious infraction of work rules is entitled by law to a court hearing that is a fundamental right and is strictly enforced.

In general the Government ensured the observance of labor laws in larger companies and in the public sector. In the informal economy, such as in the family workshops that dominated the handicrafts sector, employers routinely ignored labor laws and regulations, and government inspectors lacked the resources to monitor violations effectively.

Unions resorted increasingly to litigation to resolve labor disputes. The Ministry of Labor's 496 inspectors served as investigators and conciliators in labor disputes. According to the Ministry of Labor, its inspectors were able to help resolve some 713 potential strikes affecting 573 businesses during the first nine months of the year. It claimed that its staff, over the same period, helped to reinstate 3039 employees.

Labor law reform remained controversial. According to employer groups, the law makes it extremely difficult to fire or lay off permanent employees. The standard for legally firing a permanent employee is "serious error" committed by the employee, and the courts set the burden of proof very high. Reductions in force due to economic hardship also became mired in politics and were extremely hard to implement.

Labor law applied equally to the small Tangier export zone. The proportion of unionized workers in the export zone was comparable to the rest of the economy, approximately 6 percent.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however there were reports that such practices occurred (*see* Section 6.f.). However, in practice the Government lacked the resources to inspect places of employment to ensure that forced labor was not being used. Forced labor persisted in the practice of adoptive servitude in households (*see* Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—In January the minimum employment age rose from 12 to 15. The minimum age applies to all sectors and includes apprenticed children and those in family businesses. Various laws provide protective measures for children under 16 at work. The law prohibits children under 16 from being employed more than 10 hours per day, including a minimum of a 1-hour break. All employees are limited to a maximum 48-hour regularly scheduled workweek.

Abuse of child labor laws was common, particularly in the informal sector. In practice children often were apprenticed before age 12, particularly in small family-run workshops in the handicraft industry. Children, particularly rural girls, also were employed informally as domestic servants and usually received little or no payment. Safety and health conditions, as well as wages in businesses that employ children often were substandard.

Ministry of Labor inspectors were responsible for enforcing child labor regulations, which generally were observed in the industrialized, unionized sector of the economy. However, the inspectors were not authorized to monitor the conditions of domestic servants. The Government maintained that the informal handicrafts sector was difficult to monitor.

The Government lacked the resources to enforce laws against child labor. There was also a general acceptance of the desirability of contributing to family income, as well as the presumption that it was necessary to start working at a young age to properly learn traditional handicraft skills.

A study of child maids in Casablanca in 2000 concluded that approximately 13,000 girls under age 15 were employed there as child maids. Another study concluded there were 20,000 child maids in the country's other major cities. The study also concluded that over 80 percent of the child maids were illiterate and that over 80 percent came from rural areas. In about half of the cases, the child maid received no pay, or her pay went directly to her family. Many child maids reported long working hours, no rest breaks, and abusive conditions. Four percent reported being sexually abused in the employer's household.

As a result, the Ministry of Education, in cooperation with the Ministry of Health and UNICEF, as well as domestic NGOs such as the Moroccan League for the Protection of Children (LMPE) and National Observatory of the Rights of Children (ONDE), attempted to address the problem. They have sought to increase possibilities for child maids to receive education, health care and job training, and the opportunity to return to their families or leave their employers. Three child welfare NGOs operated centers for these purposes that received private contributions and governmental and foreign funding.

Along with UNICEF and several domestic NGOs, the ILO had several ongoing programs to attempted to provide child maids and other working children, particularly young ostensibly apprentice artisans, rudimentary education, health care, and leisure activities.

e. Acceptable Conditions of Work.—In July 2000, the Government increased the minimum wage by 10 percent to approximately $180 (1,800 dirhams) per month in the industrialized sector and to approximately $9 (90 dirhams) per day for agricultural workers; however, businesses in the extensive informal sector often ignored

the minimum wage requirements. Neither the minimum wage for the industrialized sector nor the wage for agricultural workers provided a decent standard of living for a worker and family, even with government subsidies for food, diesel fuel, and public transportation. Unions continued to appeal unsuccessfully for a minimum wage of approximately $180 (1,800 dirhams) per month. In many cases, several family members combined their income to support the family. Most workers in the industrial sector earned more than the minimum wage. They generally were paid between 13 and 16 months' salary, including bonuses, each year.

The minimum wage was not enforced effectively in the informal and handicraft sectors. However, the Government pay scale exceeded the minimum wage for workers at the lowest civil service grades. To increase employment opportunities, the Government allowed firms to hire recent graduates for a limited period through a subsidized internship program at less than the minimum wage. However, due to economic conditions, most were not offered full-time employment at the conclusion of their internships. According to the Government, the unemployment rate was 12 percent, but some union leaders contend that a more accurate figure, including underemployment, would be approximately 35 percent.

The law provides for a 48-hour maximum workweek, with no more than 10 hours worked in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. As with other labor regulations and laws, these were not observed universally and were not enforced effectively by the Government in all sectors.

Occupational health and safety standards were rudimentary, except for a prohibition on the employment of women in certain dangerous occupations. The labor inspectors attempted to monitor working conditions and investigate accidents, but lacked sufficient resources. While workers in principle had the right to remove themselves from work situations that endangered health and safety without jeopardizing their continued employment, there were no reports of workers attempting to exercise this right.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; under the Penal Code perpetrators were prosecuted either for fraud, corruption of minors, or as persons who forced others into prostitution. Trafficking in persons was a problem.

Prostitution was prevalent, particularly in cities with large numbers of tourists, as well as near towns with large military installations (*see* Section 5). Prostitution of minors took place in the village of El Hajeb near Meknes that attracted sex tourists from Europe and the Gulf. NGO activists estimated that there were thousands of teenage prostitutes in urban centers. Women and girls were sometimes forced into prostitution.

Women also were trafficked abroad. For example, in June police broke up a trafficking ring in Meknes, based on the testimony of victims who had escaped from Syria and the UAE and returned to Morocco. The victims testified that they were hired as domestics, but once in Syria and the United Arab Emirates, they were forced to work as nightclub "dancers" and prostitutes. They further testified that other young women remained in Syria, waiting to be rescued.

Internal trafficking was also a problem, particularly for women for sexual exploitation or of young girls for domestic service.

Due to fiscal constraints, the Government did not provide direct funding to NGOs offering services to victims of trafficking. However, the Government did provide in-kind support. In terms of prevention, the Government supported modest programs aimed at keeping children in school, improving education opportunities for rural girls, and expanding economic opportunities in high-risk areas.

The country was also a transit point for trafficking and alien smuggling to Europe. Hundreds of citizens and foreigners, most from sub-Saharan Africa, drown annually attempting to cross the Strait of Gibraltar.

WESTERN SAHARA

The sovereignty of the Western Sahara remained the subject of dispute between the Government of Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region. The Moroccan government sent troops and settlers into the northern two-thirds of the Western Sahara after Spain withdrew from the area in 1975, and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. Since 1973 the Polisario has challenged the claims of Spain, Mauritania, and Morocco to the territory. Moroccan and Polisario

forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a United Nations peacekeeping contingent, known by its French initials, MINURSO.

In 1975 the International Court of Justice issued an advisory opinion on the status of the Western Sahara. The Court held that while some of the region's tribes had historical ties to Morocco, the ties were insufficient to establish "any tie of territorial sovereignty" between the Western Sahara and Morocco. The Court added that it had not found "legal ties" that might affect the applicable U.N. General Assembly resolution regarding the decolonization of the territory, and, in particular, the principle of self-determination for its people. Sahrawis (as the persons native to the territory are called) lived in the area controlled by Morocco, as refugees in Algeria near the border with Morocco, and to a lesser extent, in Mauritania. A Moroccan-constructed berm or sand wall encloses most of the territory.

In 1988 Morocco and the Polisario accepted the U.N. plan for a referendum allowing the Sahrawis to decide between integration with Morocco or independence for the territory. However, disagreements over voter eligibility were not resolved and, a referendum has not yet taken place. In March 1997, U.N. Secretary General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy to examine approaches for a peaceful settlement. During the intervening 5 years, Baker has visited the region, consulted with the parties, and offered various proposals to resolve the problem.

The Moroccan government has undertaken a sizable economic program subsidizing migration and development in the Western Sahara as part of its efforts to strengthen Moroccan claims to the territory, although incomes and standards of living were substantially below Moroccan levels. The population of the territory was an estimated 400,000.

In February since the parties had made no further progress, the Special Envoy asked the U.N. Security Council to select one of four options: A referendum; a U.N. pullout; the "third way" of autonomy within Morocco; or partition of the Western Sahara. The Security Council was unable to agree on one of these options, so it extended MINURSO's mandate until January 2003, and authorized the Special Envoy to formulate a new proposal. In November King Mohammed VI publicly rejected plans sponsored by the U.N. for a referendum to determine the future of the territory, dismissing the plan as "out of date" and "null."

Since 1977 the Saharan provinces of Laayoune, Smara, and Boujdour (and Oued Ed-Dahab since 1983) have participated in elections organized and controlled by the Moroccan government. Sahrawis whose political views were aligned with the Moroccan government filled all the seats allotted to the Western Sahara in the Moroccan Parliament.

On September 27, Moroccan parliamentary elections took place that were generally free, fair and transparent, albeit with isolated instances of irregularities. No Sahrawis opposed to Moroccan sovereignty were candidates in the election. The national turnout was 52 percent; however, the Government stated that 70 percent of eligible voters participated in the Western Sahara. There was no progress during the year on local elections to choose members to the proposed new Royal Advisory Council on the Western Sahara that the King had announced in October 1999.

On November 28, Mohamed Boucetta, imprisoned for petty crime, died in custody in Laayoune prison in the Western Sahara. According to Saharan activist groups, he told family members two days before his death that he was being tortured and an autopsy indicated that "blows and wounds" caused his death. A prison warden was reportedly in custody concerning the death, and the prison director was reportedly suspended. Media reports suggested that fellow inmates beat him to death. An investigation was ongoing at year's end.

As in past years, there were no new cases of disappearance in that part of the Western Sahara under Moroccan administration. The forced disappearance of individuals who opposed the Government of Morocco and its policies occurred over several decades; however, the Government in 1998 pledged to ensure that such activities would not recur, and to disclose as much information as possible on past cases. Those who disappeared were Sahrawis or Moroccans who challenged the Moroccan government's claim to the Western Sahara or other government policies. Many of those who disappeared were held in secret detention camps. Although in 1991 the Moroccan government released more than 300 such detainees, hundreds of Sahrawi and Moroccan families did not have any information regarding their missing relatives, many of whom disappeared over 20 years ago, at year's end.

International human rights organizations claimed that disappearances of Sahrawis in the Western Sahara could number between 1,000 and 1,500, although conditions in the territory prevented confirmation of this figure.

The Government of Morocco failed to conduct a public inquiry or to explain how and why those released spent up to 16 years of incommunicado detention without charge or trial. The former Sahrawi detainees formed an informal association whose principal objective was to seek redress and compensation from the Government for their detention. A delegation of this association continued to meet with various government officials, human rights organizations, members of the press, and diplomatic representatives in both Rabat and Laayoune during the year. They claimed that the Government made little progress during the year in recognizing their grievances. In 2000 through the Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), the Government began distributing preliminary compensation payments to affected Sahrawis, and announced that more compensation could be distributed pending the results of a review of petitions by Sahrawi claimants. However, numerous cases remained pending at year's end. Despite reforms to the CCDH structure, many still viewed the process as biased and flawed administratively.

The U.N. settlement plan called for the release of all POWs after the voter identification process was completed. MINURSO completed the voter identification process in 1999. In January the Polisario released 115 Moroccan POWs and in June released 101 additional POWs. By year's end, the Polisario held 1,260 POWs, of whom 817 had been prisoners for over 20 years. In June an International Committee of the Red Cross (ICRC) delegation visited the Moroccan POWs, and reported that their physical and psychological health remained extremely poor. There also were credible reports from Moroccan NGOs that the Polisario authority used the POWs for forced labor.

The Polisario claimed that the Moroccan government continued to hold several hundred Sahrawis as political prisoners and approximately 300 former combatants as POWs. The Government of Morocco formally denied that any Sahrawi former combatants remained in detention. Representatives of the ICRC have stated that Morocco has released all Polisario former combatants.

The Government of Morocco claimed that the Polisario detained 30,000 Sahrawi refugees against their will in camps near Tindouf in southwestern Algeria. The Polisario denied this charge. According to credible reports, the number of persons in the camps in Tindouf far exceeded 30,000, but the assertion that they wished to leave remained unsubstantiated. The Polisario reportedly have not allowed the UNHCR and WFP to conduct a census of the camps in the Tindouf area.

Police arrested and detained Sahrawis who supported Saharan independence. In June police arrested Ahmed Nassiri, Sahrawi activist and a member of the Morocan human rights NGO, Forum for Truth and Justice (FVJ), who had been sought since the violent conflicts with police in Smara in November 2001. His trial was postponed twice due to the absence of witnesses (who were themselves imprisoned) and had not taken place at year's end. Four foreign observers followed the process. In August police arrested Ali Salem Tamek, an official of the Moroccan Democratic Confederation of Workers and an FVJ member. One week later he was accused of membership in a political group working for a foreign power and convicted of threats to the security of the state. Sentenced to 2 years in prison and a fine of $1,000 (10,000 dirhams), Tamek began a hunger strike in November to protest against his conditions of detention. Moroccan human rights NGOs considered these cases to be ordinary criminal cases involving assault and property damage.

The Polisario reportedly restricted freedom of expression, peaceful assembly, and association. According to Amnesty International (AI), Moroccan authorities continued to refuse to register the independent newspaper Sawt Al-Janoub. In November 2001 in Smara, according to the NGO Reporters without Borders (RSF), police arrested and physically abused Nouredinne Darif, a correspondent for the weekly Al Amal Addimocrati, when he went to the hospital to inquire about the condition of demonstrators beaten by the police at the demonstration on the same day. While Darif was acquited in April, a court in Laayoune convicted 14 of the Sahrawi demonstrators of arson and armed violence and other charges related to violence. According to a report of the trial by Spanish observers from the law schools of Barcelona and Badajoz, the defendants claimed that they had been tortured.

Freedom of expression and freedom of peaceful assembly and association remain very restricted in the Western Sahara. Demonstrations were disrupted during the year. In March there was a minor civil disturbance in Laayoune. A number of Sahwari unemployed college graduates attempted a sit-in to demand jobs. The authorities forcibly disbursed the demonstrators. In September the court of appeal in Layounne confirmed the prison sentences of five of six unemployed Sahrawi university graduates who were arrested in the course of a peaceful demonstration at Smara in April 2000.

In May two other activists claimed that Moroccan authorities had tortured them for going to a mosque in memory of the death in London of Polisario official Fadel Ismail.

A number of other Sahrawis remained imprisoned for peaceful protests supporting Saharan independence. Youths released in previous years reported that the Moroccan police continued to monitor them closely.

Political rights for the residents of Western Sahara were circumscribed. Freedom of expression and freedom of peaceful assembly and association remained very restricted. In June a Sahrawi activist claimed that the Sahwaris were unable to form political associations or politically oriented NGOs.

Freedom of movement within the Western Sahara was limited in militarily sensitive areas, both within the area controlled by the Government of Morocco and the area controlled by the Polisario. Both Moroccan and Polisario security forces at times subjected travelers to arbitrary questioning. The Polisario reportedly restricted freedom of expression, peaceful assembly, association, and movement in its camps near Tindouf. In June members of two NGOs representing Sahrawis who had left the Polisario camps met in Laayoune with foreign diplomats and provided photographs of victims of torture and booklets alleging that abuses took place near Tindouf.

The civilian population living in the Western Sahara under Moroccan administration was subject to Moroccan law. U.N. observers and foreign human rights groups maintained that Sahrawis had difficulty obtaining Moroccan passports, that the Moroccan government monitored the political views of Sahrawis more closely than those of Moroccan citizens, and that the police and paramilitary authorities reacted especially harshly against those suspected of supporting independence and the Polisario. The Moroccan government limited access to the territory. International human rights organizations and impartial journalists sometimes experienced difficulty in securing admission, although an AI delegation conducted a research mission in June and July, which included the Western Sahara, focussed primarily on the issue of the "disappeared."

Moroccan laws apply in the part of the Western Sahara controlled by Morocco. As in Morocco itself, women were subjected to various forms of legal and cultural discrimination. Female illiteracy was very high, especially in rural areas.

There was little organized labor activity in the Western Sahara. The same labor laws that apply in Morocco were applied in the Moroccan-controlled areas of the Western Sahara. Moroccan unions were present in the areas of Western Sahara controlled by Morocco, but were not active. The 15 percent of the territory outside Moroccan control did not have any major population centers or economic activity apart from nomadic herding. The Polisario-sponsored labor union, the Sario Federation of Labor, was not active in the Western Sahara.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan government or state-owned organizations. They were paid 85 percent more than their counterparts in Morocco as an inducement to Moroccan citizens to relocate to the Western Sahara. Workers in the Western Sahara were exempt from income and value-added taxes and received subsidies on commodities such as flour, oil, sugar, fuel, and utilities.

Moroccan law prohibited forced labor, and it did not appear to occur in the Western Sahara.

Regulations on the minimum age of employment were the same as in Morocco. Child labor appeared to be less common than in Morocco, primarily because of the absence of industries most likely to employ children, such as rug-knotting and other traditional handicrafts. A government work program for adults, the Promotion Nationale, provided families with sufficient income so that the hired child maids were not common. Children in the few remaining nomadic groups presumably worked as shepherds with other group members.

The minimum wage and maximum hours of work were identical to those in Morocco. However, in practice workers in some fish processing plants worked as many as 12 hours per day, 6 days per week, well beyond the 10-hour day, 48-hour week maximum stipulated in Moroccan law during peak periods. Occupational health and safety standards were the same as those enforced in Morocco. They were rudimentary, except for a prohibition on the employment of women in dangerous occupations.

OMAN

The Sultanate of Oman is a monarchy that has been ruled by the Al Bu Sa'id family since the middle of the 18th century. It has no political parties, but does have one representative institution, whose members were elected directly by voters selected by the Government. The Sultan, Qaboos Bin Sa'id Al Sa'id, acceded to the throne in 1970. Although the Sultan retains firm control over all important policy issues, he has brought tribal leaders and other notable persons into the Government. In accordance with tradition and cultural norms, much decision-making is by consensus among these leaders. In 1991 the Sultan established a Consultative Council, or Majlis Al-Shura, which replaced an older advisory body. The Consultative Council was expanded to 83 seats for the 2000 elections, and members were chosen directly by the vote of 175,000 government-selected electors, of whom approximately 100,000 actually voted. In 1996 the Sultan promulgated by decree the country's "Basic Charter" (also known as the Basic Law), which provides for many basic human rights. Implementing legislation has only been enacted in some family, judicial administration, and financial cases; however, the Government has made it clear that the Basic Charter has the immediate force of law. While appropriate laws pertaining to various articles of the Charter will be enacted, the responsibilities delineated in the Charter came into full force when it was enacted in 1996. In cases where there is no implementing legislation, judges must render judgement in accord with the principles of the Basic Charter. The Consultative Council has no formal legislative powers but may question government ministers and recommend changes to new laws regarding economic and social policy, which on occasion leads to amendments to proposed decrees. In 2001 the Sultan appointed 53 members, including 5 women, as members of the State Council (Majlis Al-Dawla), which, with the Consultative Council, forms the bicameral body known as the Majlis Oman (Council of Oman). In November the Sultan announced his intention to permit native born citizens 21 or older to vote in the Consultative Council elections in 2003. The judiciary was not independent in practice and courts were subject to the Sultan's influence. The Sultan had the right to overturn judicial decisions on appeal.

The internal and external security apparatus fell under the authority of the Royal Office, which coordinated all intelligence and security policies. The Internal Security Service investigated all matters related to internal security. The Royal Oman Police (ROP), whose head also had cabinet status, performed regular police duties, provided security at airports, served as the country's immigration agency, and maintained a small coast guard. Unlike in previous years, there were no reports that security forces committed human rights abuses during the year. The country had a population of approximately 2.4 million, including approximately 624,000 foreigners. The country has used its modest oil revenue to make impressive economic progress and improve public access to health care, education, and social services for its citizens. The economy was mixed, with significant government participation in industry, transportation, and communications.

The Government generally respected the human rights of its citizens' in some areas; however, its record was poor in other areas. Citizens did not have the right to change their government. Police did not always follow procedures regarding arrest and detention, and in some instances police handling of arrest and detention constituted incommunicado detention. In 2000, royal decree 97/99 came into effect that detailed the rules, regulations, and procedures governing criminal and civil trials. In the past, there were instances in which due process was denied to persons tried in state security courts. Citizens must obtain permission from the Government to marry foreigners. The Government restricted freedom of expression and association. The Government must approve the establishment of all associations, and human rights organizations were prohibited. The Government did not ensure full rights for women. The Government severely restricted worker rights. Foreign workers in private firms at times were placed in situations amounting to forced labor, and abuse of foreign domestic servants was a problem.

The 1996 Basic Charter, issued as a decree by the Sultan, defines and protects many basic human rights, such as an independent judiciary, and the freedoms of association, speech, and the press. The Basic Charter states that the Government was to strive to issue all enabling laws within 2 years of November 1996. Only certain laws pertaining to the legal code for family and interpersonal relationships, to judicial reform, and to aspects of the Finance Ministry have been enacted. Local legal experts consider the rights and responsibilities delineated by the Basic Charter to have the full and immediate force of law, without the need for separate implementing legislation. Oman was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Basic Charter specifically prohibits torture, and there were no reports of torture during the year.

Judges had the right to order investigations of allegations of mistreatment. The Basic Charter specifically prohibits "physical or mental torture" and stipulates that all confessions obtained by such methods are to be considered null and void.

In 2000, the police used tear gas and physical force to control demonstrations, and made some arrests (*see* Section 2.b.). In April the police broke up demonstrations but there were no reports of excessive use of force or tear gas.

Prison conditions were spartan, but appeared to meet international standards. Access to some prisoners was restricted severely. There were separate facilities for men and women, as well as separate facilities for juveniles and adults. Security prisoners were held separately and in different conditions from regular prisoners. Pretrial detainees also were held separately.

The Government did not permit independent monitoring of prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Basic Charter provides for certain legal and procedural rights for detainees. The police may obtain warrants prior to making arrests but were not required by law to do so. However, within 24 hours of arrest, the authorities must obtain court orders to hold suspects in pretrial detention, and the police were required to file charges or request a magistrate judge to order continued detention. However, in practice the police did not always follow these procedures. Judges may order detentions for 14 days to allow investigation and may grant extensions if necessary. There was a functioning system of bail.

Police handling of arrests and detentions constituted incommunicado detention in some instances. The police did not always notify a detainee's family or, in the case of a foreign worker, the worker's sponsor of the detention. At times notification was only made just prior to the detainee's release. The authorities posted the previous week's trial results (including the date of the trial, the name of the accused, the claim, and the sentence) near the magistrate court building. The police did not always permit attorneys and family members to visit detainees. Judges occasionally interceded to ensure that security officials allowed such visits.

The Basic Charter prohibits exile, and the Government did not use forced exile.

e. Denial of Fair Public Trial.—The Basic Charter affirms the independence of the judiciary; however, the various courts were subordinate to the Sultan and subject to his influence in practice. All judges are appointed by the Sultan and serve at his pleasure. The Sultan acted as a court of final appeal and interceded in cases of particular interest, such as those concerning national security. However, there were no reported instances in which the Sultan overturned a decision of the magistrate courts.

In 1999 the Sultan issued several royal decrees to establish a law on judicial authority and to affirm the independence of the judiciary as called for in the Basic Charter. The decrees formally established the judiciary as an independent, hierarchical system composed of a Supreme Court, an appeals court, primary courts (one located in each region), and, within the primary courts, divisional courts. Within each of the courts there are divisions to consider commercial, civil, penal, labor, taxation, general, and personal status cases (the latter under Shari'a). The former Authority for the Settlement of Commercial Disputes was abolished in 2001, and commercial cases were heard in primary courts. The General Prosecutor's Office, which before the 2001 reform was under the jurisdiction of the Royal Omani Police Chief Inspector, became an independent legal entity within the Ministry of Justice. In 1999 an Administrative Court was established to review complaints against the misuse of governmental authority; it operated under the authority of the Diwan of Royal Court.

The Ministry of Justice administered all courts. The judiciary comprised the magistrate courts, which adjudicated misdemeanors and criminal matters, and the Shari'a (Islamic law) courts, which adjudicated personal status cases such as divorce and inheritance. The Labor Welfare Board attempted to mediate disputes between employers and employees. If a settlement cannot be reached, the parties may seek recourse in the appropriate courts. The courts of general jurisdiction may hear cases involving rent disputes.

In 1984 a royal decree established the magistrate court system of primary courts, appeals courts, and the Supreme Court to take over all criminal cases from the Shari'a courts. Regional courts of first instance handled misdemeanor cases, which were heard by individual judges. All felonies were adjudicated at the Central Magistrate Court by a panel made up of the President of the Magistrate Court and two judges. All rulings of the felony panel were final except for those in which the defendant was sentenced to death. The death penalty rarely was used, except in serious felonies such as murder, and the Sultan must approve death sentences. There was no provision for amputation.

The Criminal Appeals Panel also was presided over by the President of the Magistrate Court and included the court's vice president and two judges. This panel heard appeals of rulings made by all courts of first instance. In the past, specially trained prosecutors from the Royal Oman Police (ROP), all of whom were trained as police officers as well as prosecutors, carried out the role of public prosecutor in criminal cases; however, as a step toward implementing a 1999 Royal decree designed to increase the independence of the judiciary, prosecutors were made independent of the ROP.

The Criminal Code does not specify the rights of the accused. There are no written rules of evidence, codified procedures for entering cases into the criminal system, or any detailed legal provisions for a public trial. Criminal procedures have developed by tradition and precedents in the magistrate courts. In criminal cases, the police provided defendants with the written charges against them; defendants were presumed innocent and have the right to present evidence and confront witnesses. The prosecution and the defense direct questions to witnesses through the judge, who was usually the only person to question witnesses in court. Article 22 of the Basic Charter provides for the presumption of innocence, and Article 23 provides for the right to counsel, ensuring for those financially unable the means to legal defense. Judges often pronounced the verdict and sentence within 1 day of the completion of a trial. Those convicted may appeal jail sentences longer than 3 months and fines over the equivalent of $1,250 (480 rials) to a three-judge panel. Defendants accused of national security offenses and serious felonies did not have the right of appeal.

The State Security Court tried cases involving national security and criminal cases that the Government decided required expeditious or especially sensitive handling. Magistrate court judges have presided over trials in the State Security Court. Defendants tried by the Security Court were not permitted to have legal representation present. The timing and the location of the Court's proceedings were not disclosed publicly. The Court did not follow legal procedures as strictly as the magistrate courts, although prominent civilian jurists formed the judicial panel. The Sultan has exercised his powers of extending leniency, including in political cases.

The Shari'a courts were administered by the Ministry of Justice and applied Shari'a law as interpreted under the Ibadhi school of Islamic jurisprudence. Courts of first instance were located in each of the 59 wilayats, or governorates, and were presided over by a single judge, or qadi. Appeals of the rulings of the courts of first instance involving prison sentences of 2 weeks or more or fines greater than $260 (100 rials) must be brought within 1 month before the Shari'a Court of Appeals. Panels of three judges heard appeals cases. Court of Appeals rulings themselves may be appealed, within a 1-month period, to the Supreme Committee for Complaints, which was composed of four members, including the Minister of Justice and the Grand Mufti of the Sultanate.

In 1997 the Government promulgated into law the provisions of the 1996 Basic Charter pertaining to family law which falls under the purview of the Shari'a courts. The law has regularized the nature of the cases and the range of corresponding judgments within the Shari'a court system that only deals with family law.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The police were not required by law to obtain search warrants. There was a widely held view that the Government eavesdropped on both oral and written communications. Citizens were required to obtain permission from the Ministry of Interior to marry foreigners, except nationals of the Gulf Cooperation Council countries. Such permission was not granted automatically. Delays or denial of permission resulted in secret marriages within the country. Marriages in foreign countries may lead to denial of entry of the foreign spouse into the country and prevent a legitimate child from claiming citizenship rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although the Basic Charter provides for freedom of speech and of the press, the Government restricted these rights in practice. The law prohibits criticism of the Sultan in any form or medium. The authorities tolerated criticism of government officials and agencies, but such criticism rarely received media coverage.

The Press and Publication Law authorizes the Government to censor all domestic and imported publications. Ministry of Information censors may act against any material regarded as politically, culturally, or sexually offensive. Journalists and writers generally exercised self-censorship to avoid government harassment. Editorials generally were consistent with the Government's views, although the authorities tolerated some criticism regarding foreign affairs issues. The Government discouraged in-depth reporting on controversial domestic issues and sought to influence privately owned dailies and periodicals by subsidizing their operating costs. There were five daily newspapers, three in Arabic and two in English. Arabic language dailies "Al-Watan" and "Shabiba" as well as English daily "Times of Oman" were privately owned.

Customs officials confiscated videocassette tapes and erased offensive material, despite the lack of published guidelines regarding what was considered offensive. Such tapes may or may not be returned to their owners. Government censorship decisions were changed periodically without stated reason. There was a general perception that the confiscation of books and tapes at the border from private individuals and restrictions on popular novels eased somewhat; however, it reportedly has become more difficult to obtain permission to distribute books in the local market that censors decide have factual errors regarding the country (including outdated maps).

The Government owned three local radio stations and two local television stations. In general they did not air any politically controversial material, although the state television company was allowed to broadcast public question and answer sessions between ministers and the Majlis Al-Shura; however, this only happened twice during the year. The Government did not allow the establishment of privately owned radio and television companies. The availability of satellite dishes has made foreign broadcast information accessible to those with the financial resources to obtain access to the dishes.

The appropriate government authority, such as Sultan Qaboos University, the police, or the relevant ministry must approve public cultural events, including plays, concerts, lectures, and seminars. Most organizations avoided controversial issues because of fears that the authorities may cancel their events.

The Government, through its national telecommunications company, made Internet access available for a charge to citizens and foreign residents. However, it blocked certain web sites that it considered pornographic or politically sensitive. As use of the Internet to express views normally not permitted in other media grew, the Government took additional measures to monitor and censor it. The Government placed warnings on web sites that criticism of the Sultan or personal criticism of government officials was likely to be censored, which ultimately caused some to practice self-censorship.

The Government restricted academic freedom, particularly regarding publishing or discussing controversial matters, such as politics. Professors may be dismissed for going beyond acceptable boundaries.

b. Freedom of Peaceful Assembly and Association.—The Basic Charter provides for freedom of assembly, although all public gatherings require government approval. The authorities with rare exceptions enforced this requirement. Over the course of 8 days in 2000, rare, unauthorized public demonstrations in support of the Palestinians and against Israeli and U.S. policies took place at Sultan Qaboos University and other venues. Most demonstrators were young men, and most demonstrations were peaceful. Rock throwing and vandalism of private property occurred at some locations. On one or two occasions, police used tear gas and physical force to control demonstrations and arrested some persons. After the demonstrations, the Government acted to prevent further demonstrations, through arrests and limiting demonstrations to areas that could be controlled. However, in April public demonstrations occurred in support of the Palestinian Intifada.

The Government restricted freedom of association. The law states that the Ministry of Social Development must approve the establishment of all organizations and their by-laws; however, some groups, such as certain social groups, were allowed to function without formal registration. The Government used the power to license organizations to control the political environment. It did not license groups regarded as a threat to the predominant social and political views or the interests of the Sul-

tanate. Formal registration of foreign associations was limited to a maximum of one association for any nationality. The Basic Charter's provisions in this area regulated the formation of associations.

A 2000 royal decree allowed for the formation of nongovernmental organizations (NGOs) providing services to women, children, and the elderly. Seven NGOs were registered, four relating to persons with disabilities and three professional societies. Some government-sponsored women's associations perform some associative functions and were completely dependent on government funding, while others were self-funded through membership fees, corporate donations, and product sales.

c. Freedom of Religion.—The law does not provide for freedom of religion. However, the Basic Charter protects the freedom to practice religious rites, in accordance with tradition, provided that such freedom does not breach public order. The Basic Charter also provides that Islam is the state religion and that Shari'a is the basis for legislation. Non-Muslim religious organizations must be registered with the Government.

Discrimination against individuals on the basis of religion was prohibited. There were no laws prohibiting discrimination against religious minorities. Some members of the Shi'a Muslim minority claimed that they faced discrimination in employment and educational opportunities. However, some Shi'a occupied prominent positions in both the private and public sectors, although much less so in the public sector. For example, the Ministers of National Economy (also de facto Minister of Finance), Commerce and Industry, and Health were all Shi'a. Many other government officials also were Shi'a, such as the Director General of Maritime Affairs at the Ministry of Transport and Telecommunications.

Most citizens are Ibadhi or Sunni Muslims, but there is also a minority of Shi'a Muslims. Non-Muslims were free to worship at churches and temples built on land donated by the Sultan. There were many Christian denominations, which utilized two plots of donated land, on which two Catholic and two Protestant churches were built. Hindu temples also existed on government-provided land. Land was made available to Catholic and Protestant missions to provide places of worship and ministry to resident Christians in Sohar and Salalah.

The Government prohibited non-Muslims from proselytizing. It also prohibited non-Muslim groups from publishing religious material, although religious material printed abroad could be brought into the country. Certain medical and educational activity by missionaries was permitted as long as missionaries did not proselytize. Members of all religions and religious groups were free to maintain links with co-religionists abroad and undertake foreign travel for religious purposes.

The Government expected all imams to preach sermons within the parameters of standardized texts distributed monthly by the Ministry of Awqaf and Religious Affairs. The Government monitored mosque sermons to ensure that imams did not discuss political topics and stayed within the state-approved orthodoxy of Islam.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law does not provide for these rights, and the Government partially restricted these rights in practice. The Government did not restrict travel by citizens within the country except to military areas. Foreigners other than diplomats must obtain a government pass to cross border points. To obtain a passport and depart the country, a woman must have authorization from her husband, father, or nearest male relative. However, a woman having a national identity card (which also must be authorized by a male relative) may travel to certain Gulf Cooperation Council countries without a passport.

The Basic Charter prohibits the extradition of political refugees, and there were no reports of the forced return of persons to a country where they feared persecution. The issue of the provision of first asylum did not arise during the year. Tight control over the entry of foreigners into the country effectively limited refugees and prospective asylum seekers from entering. There was no government policy of cooperation with the U.N. High Commissioner for Refugees or other humanitarian organizations in assisting refugees.

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

Citizens did not have the right to peacefully change their government. The Government is an autocracy in which the Sultan retains ultimate authority on all foreign and domestic issues.

In November 1996, the Sultan promulgated by decree the first defacto written constitution, known as the Basic Charter. Although it is considered to have immediate force of law, laws and regulations to implement some provisions have not been

enacted. While family, judicial, administrative, and financial implementing legislation were enacted, others have yet to be promulgated.

The law does not provide for political parties or direct elections. Citizens had indirect access to senior officials through the traditional practice of petitioning their patrons, usually the local governor, for redress of grievances. The Sultan appointed the governors. Successful redress depended on the effectiveness of a patron's access to appropriate decisionmakers. The Sultan made an annual 3-week tour of the country, accompanied by his ministers. The tour allowed the Sultan to listen directly to his subjects' concerns.

In 1991 Sultan Qaboos established a Consultative Council, or Majlis Al-Shura. In November the Sultan issued a royal decree expanding the electorate to include all native born citizens. This was a departure from the 2000 election format in which the Government established a system under which Consultative Council members, male and female, were elected directly by receiving the most votes from eligible voters in their districts. In the 2000 elections, the Government selected more than 175,000 men and women, approximately 25 percent of adult citizens, to register to vote, of whom 114,000 registered and 100,000 voted. The Government's selection criteria reportedly was based on tribal and social status; educational background; personal and professional connections; and loyalty to the Government. In 2000 the number of eligible female voters increased from 5,000 to 52,000. In August 2000 a royal decree abolished the prior procedure under which voters (or electors) had volunteered as candidates for Consultative Council seats, had their police records checked by the Government, and relied on government approval of their decision to run. The nominees with the most votes did not win appointment to the Consultative Council if the Sultan decided not to appoint them. Under the new procedures, candidates were not subject to government scrutiny, and the Sultan no longer ratified winning candidates. However, the Sultan controlled the process, and at least two sitting members of the Consultative Council were excluded from the outset from standing for reelection in 2000 possibly because of their criticism of ministers during previous Consultative Council sessions.

The Consultative Council has no formal legislative powers, which remain concentrated in the Sultan's hands; however, it served as a conduit of information between the citizens and the Government ministries. No serving government official was eligible to be a Consultative Council member. The Consultative Council may question government ministers in public or in private, review all draft laws on social and economic policy, and recommend legislative changes to the Sultan, who makes the final decision. In 2001 the membership of the Majlis Al-Dawla, or State Council, increased from 48 to 53 members, including 5 female members. The precise responsibilities of the State Council and its relationship to the existing Consultative Council have yet to be clarified. The State Council and the Consultative Council together form the Majlis Oman, or Council of Oman. In 2000 a royal directive was issued prohibiting members of the Council of Oman from serving more than two 3-year terms.

The Sultan publicly has advocated a greater role for women in both the public and private sectors. Women held senior government positions, including four at the undersecretary level and there was one woman ambassador. Women constituted 30 percent of eligible voters in the 2000 elections, and, according to the Sultan's November statement of intention, all women 21 years or older will be eligible to vote in the 2003 elections.

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

The Government prohibited the establishment of human rights NGOs, and there were no government-controlled or autonomous human rights entities in the country. The existing restrictions on the freedom of speech and association did not permit any activity or speech critical of the Government.

There were no visits to the country by U.N. or international human rights organizations.

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

The Basic Charter prohibits discrimination on the basis of sex, ethnic origin, race, language, sect, place of residence, and social class. Effective government enforcement was insufficient in some areas, and societal and cultural discrimination based on gender, race, social class, and disability existed.

Women.—The law does not specifically address domestic violence against women; however, according to Shari'a, all forms of physical abuse are illegal. There was no evidence of a pattern of spousal abuse, although observers claimed that allegations of such abuse in the Shari'a courts were not uncommon and conversations with local

observers indicated that domestic violence was a real concern. Doctors did not have a legal responsibility to report either spousal or child abuse to the courts. Battered women may file a complaint with the police but more often sought family intervention to protect them from violent domestic situations. Likewise, families sought to intervene to keep such problems from public view. There were reports of employers and co-workers physically and sexually abusing domestic servants and harassing hospital nurses without being held accountable for such actions (*see* Section 6.d.). There were no government programs for abused women.

The law prohibits rape. Shari'a provides no punishment for spousal rape.

Prostitution was illegal, and due to strict cultural norms and immigration controls, was rare.

Female genital mutilation (FGM) was still practiced by very few communities in the interior and in the Dhofar region. Experts believed that the number of such cases was small and declining annually.

Many women lived within the confines of their homes. While progress has been made in changing laws and attitudes, women continued to face many forms of discrimination. Illiteracy among older women hampered their ability to own property, participate in the modern sector of the economy, or inform themselves of their rights. Government officials frequently denied women land grants or housing loans and preferred to conduct business with a woman's husband or other male relative. Women may own property. Women required permission from a male relative to leave the country (*see* Section 2.b.).

Some aspects of Islamic law and tradition as interpreted in the country also discriminated against women. Shari'a favors male heirs in adjudicating inheritance claims. Many women were reluctant to take an inheritance dispute to court for fear of alienating the family.

Since 1970 conditions for women have improved markedly in several areas. Whereas in 1970 no schools existed for girls, the most recent figures available from the Ministry of Education in 1999 reported an enrollment rate of nearly 95 percent for all girls eligible for elementary school, and government statistics showed that girls make up 49 percent of all citizen students. The Government spent approximately 9 percent of its total budget on education. In the 2000-2001 school year, 48.7 percent of the total number of students attending public schools were girls, slightly lower than in previous years. Women constituted approximately half of the 5,000 students at Sultan Qaboos University. In 2001, 731 women and 566 men received bachelor's degrees as members of the 11th graduating class, while 2 women and 40 men received master's degrees. The university had a quota system with the apparent goal of increasing the number of men studying certain specialties. For example, women reportedly were being limited to 50 percent of the seats in the medical department. The quota system was expected to allow women to constitute a majority in some other departments.

Women also have made gains in the work force. Some educated women have attained positions of authority in government, business, and the media. Approximately 30 percent of all civil servants were women; of these, 59 percent were citizens. In both the public and private sectors, women were entitled to maternity leave and equal pay for equal work. The Government, the country's largest employer of women, observed such regulations, as did many private sector employers. However, many educated women still faced job discrimination because prospective employers feared that they might resign to marry or raise families. Female employees in the Government have sought administrative redress for alleged denial of promotion in favor of less capable men. Government grants for study abroad generally were divided evenly between men and women. According to recently published statistics approximately 23 percent of students who study abroad under the sponsorship of the Ministry of Higher Education were women.

Within the Government, women's affairs were the responsibility of the Ministry of Social Development (formerly the Ministry of Social Affairs, Labor, and Vocational Training). The Ministry provided support for women's affairs through funding of the Oman Women's Association (OWA) and local community development centers (LCDCs). The OWA consisted of 25 chapters, with an active membership of more than 3,000 women. Typical OWA activities included sponsoring health or sociological lectures, kindergarten services, and handicraft-training programs. The OWA also provided an informal counseling and support role for women with divorce-related difficulties, girls forced to marry against their will, and women and girls suffering from domestic abuse. The main purpose of the 50 LCDCs located throughout the country was to encourage women to improve the quality of life for their families and to improve their contributions to the community. LCDC activities focused on health and sociology lectures, childcare issues, and agricultural and traditional handicraft training programs.

Children.—The Government has made the education, health, and general welfare of children a budgetary priority. Primary school education for children, including noncitizen children, was free and universal, but not compulsory. Most children attended school through secondary school, until age 18. The infant mortality rate continued to decline, and comprehensive immunization rates rose. The Government provided free health care for children to age six. There was no pattern of familial or other child abuse, but government officials have publicly called for greater awareness and prevention of child abuse.

Child prostitution was not known to occur.

FGM was rare; it was performed mainly on young girls (*see* Section 5, women).

Persons with Disabilities.—There were no laws prohibiting discrimination against persons with disabilities. The Government has mandated parking spaces and some ramps for wheelchair access in private and government office buildings and shopping centers. Compliance was voluntary, yet widely observed. Students in wheelchairs had easy access to Sultan Qaboos University. There was 1 government-sponsored rehabilitation center in the capital area and seventeen private rehabilitation centers throughout the country. The Government has established numerous rehabilitation centers for children with disabilities. Persons with disabilities, including blind persons, worked in government offices. While the Government could charge a small fee to citizens seeking government health care, persons with disabilities generally were not charged for physical therapy and prosthetics support.

National/Racial/Ethnic Minorities.—The Basic Charter prohibits discrimination based on racial or ethnic characteristics. While in the past, citizens of African origin claimed that they frequently faced job discrimination in both the public and private sectors, these allegations have diminished in recent years.

Section 6. Worker Rights

a. The Right of Association.—Workers did not have the right to form or to join unions.

b. The Right to Organize and Bargain Collectively.—The law stipulates that "it is absolutely forbidden to provoke a strike for any reason." Labor unrest was rare. The law does not provide for the right to collective bargaining; however, it required that employers of more than 50 workers form a joint labor-management committee as a communication forum between the two groups. The implementation of this provision was uneven, and the effectiveness of the committees was questionable. In general the committees discussed such matters as the living conditions at company-provided housing. They were not authorized to discuss wages, hours, or conditions of employment. Such issues were specified in the work contracts signed individually by workers and employers and had to be consistent with the guidelines of the Ministry of Manpower (formerly a part of the Ministry of Social Affairs, Labor, and Vocational Training).

The law defines conditions of employment for some citizens and foreign workers. It covers domestic servants and construction workers but not temporary workers or those with work contracts that expire within 3 months.

Work rules must be approved by the Ministry of Social Development and posted conspicuously in the workplace by employers of 10 or more workers. Similarly any employer with 50 or more workers must establish a grievance procedure. Regardless of the size of the company, any employee, including foreign workers, may file a grievance with the Labor Welfare Board. In some cases, worker representatives filed collective grievances, but most grievances were filed by individual workers. Lower-paid workers used the procedure regularly. Legal counsel may represent plaintiffs and defendants in such cases.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Basic Charter prohibits forced or bonded labor for any person, including children; however, the Government did not investigate or enforce the law effectively. Foreign workers at times were placed in situations amounting to forced labor. Employers have withheld letters of release (documents that release workers from employment contracts), which allow workers to change employers. Without such a letter, a foreign worker must continue to work for his current employer or become technically unemployed, which was sufficient grounds for deportation. Many foreign workers were not aware of their right to take such disputes before the Labor Welfare Board. Others were reluctant to file complaints for fear of retribution from unscrupulous employers. In most cases brought before it, the Board released the worker from service without deportation and awarded compensation for time worked under compulsion; however, employers faced no penalty other than to reimburse the worker's back wages.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits children under the age of 13 from working. Children between 13 and 16 years of age may be employed, but must obtain the Ministry's permission to work overtime, at night, on weekends or holidays, or to perform strenuous labor. The Ministry of Social Development generally enforced the law; however, in practice enforcement often did not extend to some small family businesses that employ underage children, particularly in the agricultural and fisheries sectors. Child labor did not exist in any industry.

The law specifically prohibits forced or bonded labor by children, and it was not known to occur.

e. Acceptable Conditions of Work.—The Ministry of Social Development issues minimum wage guidelines for various categories of workers. In 1998 the Government raised the minimum wage for most citizens to about $260 (100 rials) per month, plus $52 (20 rials) for transportation and housing. Minimum wage guidelines did not apply to a variety of occupational categories, including small businesses that employed fewer than five persons, the self-employed, domestic servants, dependent family members working for a family firm, and some categories of manual labor. Many foreigners worked in occupations that were exempt from the minimum wage law, and the Government was lax in enforcing minimum wage guidelines, where applicable, for foreign workers employed in menial jobs. However, highly skilled foreign workers were well paid.

The minimum wage was sufficient to provide a decent standard of living for a worker and family. The compensation for foreign manual laborers and clerks was sufficient to cover living expenses and to permit savings to be sent home.

The private sector workweek was 40 to 45 hours and included a rest period from Thursday afternoon through Friday. Government workers have a 35-hour workweek. While the law does not designate the number of days in a workweek, it requires at least one 24-hour rest period per week and mandates overtime pay for hours in excess of 48 per week. Government regulations regarding hours of employment were not always enforced. Employees who worked extra hours without compensation could file a complaint before the Labor Welfare Board, but the Board's rulings were not binding.

Every worker has the right to 15 days of annual leave during the first 3 years of employment and 30 days per year thereafter. Employers provide many foreign nationals, including domestic servants, with annual or biannual round-trip tickets to their countries of origin.

The law states that employers must not place their employees in situations involving dangerous work; however, the law does not specifically grant a worker the right to remove himself from dangerous work without jeopardy to his continued employment. All employers were required by law to provide first aid facilities. Work sites with more than 100 employees were required to have a nurse. Employees covered under the Labor Law could recover compensation for injury or illness sustained on the job through employer-provided medical insurance. The health and safety standard codes were enforced by inspectors from the Department of Health and Safety of the Directorate of Labor. As required by law, they made regular onsite inspections.

Foreign workers constituted at least 50 percent of the work force and as much as 80 percent of the private sector work force. In the past, there were reports that employers or male coworkers sexually harassed and abused foreign females employed in such positions as domestic servants and hospital nurses. Foreign women employed as domestic servants and garment workers have claimed that their employers withheld their salaries and that government officials were unresponsive to their grievances, due to investigative procedures that disadvantaged the victim. There were reports of employers physically and sexually abusing foreign domestic servants, and employers were not always held accountable for such actions. Foreign women at times have had to ask their governments' embassies for shelter to escape abuse (*see* Section 5).

Foreign workers at times found themselves in situations amounting to forced labor (*see* Section 6.c.).

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

QATAR

Qatar is a monarchy with no constitution or political parties. It is governed by the ruling Al-Thani family through its head, the Amir. The current Amir, Sheikh Hamad bin Khalifa Al-Thani, took power from his father in 1995 with the support of leading branches of the Al-Thani family, and in consultation with other leading families. This transition of authority did not represent a change in the basic governing order. The Amir holds absolute power, the exercise of which is influenced by religious law, consultation with leading citizens, rule by consensus, and the right of any citizen to gain access to the Amir to appeal government decisions. The Amir generally legislates after consultation with leading citizens, an arrangement institutionalized in an appointed advisory council that assists the Amir in formulating policy. In 1999 the Amir convened a constitutional committee to draft a permanent constitution that would provide for parliamentary elections and in July the committee completed its work and submitted a draft constitution to the Amir. In 1999 citizens participated in the first ever free and fair election of a national body, the Central Municipal Council. The second elections for the Municipal Council are scheduled for April 2003. The judiciary is nominally independent. Approximately 50 percent of the judges are foreign nationals. All judges hold their positions at the Government's discretion.

The country has efficient police and security services. The civilian security force, controlled by the Interior Ministry, consists of two sections: The police and the General Administration of Public Security. A state security investigative unit (Mubahith), which reports directly to the Amiri Diwan (the office of the Amir), performs internal security investigations, gathers intelligence, and is responsible for sedition and espionage cases. There also is a civilian intelligence service (Mukhabarat), which also reports directly to the Amiri Diwan. There were no reports that security forces committed human rights abuses.

The population is approximately 600,000, of whom 150,000 are believed to be citizens. The State owns most basic industries and services, but the retail and construction industries are privately owned. Oil is the principal natural resource now exploited, but the country's extensive natural gas resources play an increasingly important role. Rapid development in the 1970s and 1980s created an economy in which foreign workers, mostly South Asian and Arab, represent approximately 85 percent of the workforce. The Government has aimed for a modest increase in the participation of local nationals in the workforce. Many government jobs are offered generally only to citizens and private sector businesses are encouraged to recruit citizens as well.

The Government generally respected the human rights of its citizens; however, its record remained poor in some areas. Citizens did not have the right to change their government peacefully. The Government severely limited the rights of assembly and association. The Government restricted freedom of religion, although it continued to take some steps to ease restrictions on the practice of non-Muslim religions. Women's rights were restricted by law and social customs. Women have the right to vote. The Government severely restricted workers' rights. At times some domestic servants were mistreated and abused. Noncitizens, who make up more than 75 percent of local residents, faced discrimination in the workplace. The country also was a destination for trafficked persons. Qatar was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, and there were no allegations of torture by security forces during the year. There were unconfirmed allegations in previous years that some of the defendants in the trial of the 1996 coup plotters (*see* Sections 1.d. and 1.e.) had been tortured while in police custody; however, government officials have denied the allegations. The Government administered most corporal punishment prescribed by Islamic law but did not allow amputation. Punishments were not administered publicly.

Prison conditions generally met international standards. Women were held separately from men, and juveniles were held separately from adults. Pretrial detainees

were held separately from convicted prisoners. In 2000 the International Committee of the Red Cross visited prisons; no other organization has requested prison visits.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the police had the discretion to arrest persons based on minimal suspicion. Unlike in pervious years, there were no reports of arbitrary detention in security cases. The authorities generally charged suspects within 48 hours. Suspects usually are presented to the Attorney General within 24 hours of arrest. The Attorney General decided whether to hold the suspect up to a maximum of 4 days, after which time the suspect was presented before a judge, who may order the suspect released or remanded to custody to await trial. Judges may extend pretrial detention for 1 week at a time to allow the authorities to conduct investigations or order the release of the suspect through bail. Lengthy pretrial detention was not known to occur. The accused is entitled to legal representation throughout the process. There were no provisions for making legal counsel available to indigents at state expense. Suspects who were detained in security cases generally were afforded access to counsel; however, they may be detained indefinitely while under investigation. During the year, there were no cases of incommunicado detention.

In 2001 the Appeals Court upheld the guilty verdicts and sentenced to death 19 of those convicted of involvement in a 1996 coup attempt, including the prime suspect Sheikh Hamad Bin Jassim Bin Hamad Al-Thani. The final decision to carry out or commute the executions rested with the Amir. By year's end, the Amir had not made a decision, and the 19 remained in prison. The remaining 14 suspects' sentences of life imprisonment were upheld (*see* Section 1.e.).

The law does not address forced exile and in the past the Government has used forced exile; however, there were no reported cases of forced exile during the year.

e. Denial of Fair Public Trial.—Although the judiciary nominally is independent, most judges were foreign nationals holding residence permits granted by the civil authorities. All judges held their positions at the Government's discretion. Approximately 50 percent of the judges are citizens. The Amir appoints all judges for renewable 3-year terms.

Responsibility for the judiciary was shared among the bureaucracies of three ministries. Adlea (Civil Law) courts were subordinate to the Ministry of Justice, Shari'a (Islamic law) courts worked for the Ministry of Endowments and Islamic Affairs, and Prosecutors fell under the Ministry of Interior.

The Adlea courts had jurisdiction in commercial, national security, all forms of trafficking (including drugs, contraband, and persons), and criminal matters. The Shari'a courts had jurisdiction in family, inheritance, deportation, wrongful injury, and most other civil cases. The law provides for the establishment of ad hoc state security courts. Although there have been no cases before these courts since the current Amir assumed power, they were not abolished formally by law and remain an option. Defendants tried by all courts had the right to appeal. The Appeals Court is the highest in the country.

The Shari'a courts applied most principles contained in the draft Family Status Law, which covered marriage, inheritance, and juvenile matters, to cases under adjudication. Some provisions of the legislation continue to be debated. Shari'a trials usually were brief. Shari'a family law trials often were held without counsel; however, an increasing number of litigants, especially women, used lawyers to present their cases. After both parties stated their cases and examined witnesses, judges usually delivered a verdict after a short deliberation.

Criminal cases normally were tried within 2 to 3 months after suspects were detained. Suspects were entitled to bail, except in cases of violent crime. Citizens or noncitizens were allowed to provide bail. Foreigners who were charged with minor crimes were permitted to be released to a citizen sponsor, although they were prohibited from departing the country until the case was resolved. Defendants in the civil courts had the right to be represented by defense attorneys.

Both Muslim and non-Muslim litigants may request the Shari'a courts to assume jurisdiction in family, commercial, and civil cases. Trials in both the Adlea and the Shari'a courts were public, but the presiding judge can close the courtroom to the public if the case is deemed sensitive. Lawyers in the past did not play a formal role except to prepare litigants for their cases; however, an increasing number of litigants availed themselves of a lawyer to present their cases, particularly in divorce cases. In such cases, lawyers prepared the litigants and spoke for them during the hearing. Non-Arabic speakers were provided with interpreters. Defendants were entitled to legal representation throughout the trial and pretrial process.

Foreign residents were disadvantaged in cases involving the performance of labor contracts.

Defendants appeared before a judge for a preliminary hearing within 4 days of their arrest. Judges may extend pretrial detention for 1 week at a time to allow the authorities to conduct investigations. Lengthy pretrial detention was not known to occur.

After a public trial of persons arrested for involvement in the 1996 coup attempt, in 2000 trial judges sentenced 33 defendants to life imprisonment. Nine of them were tried in absentia. Another 85 defendants were acquitted on all charges. In 2001 the Appeals Court upheld the guilty verdicts and sentenced to death 19 of the 33 convicted; the Amir had not made a decision by year's end whether to carry out or commute the death sentences (*see* Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Traditional attitudes of respect for the sanctity of the home and the privacy of women provided a great deal of protection against arbitrary intrusion for citizens and residents; there was no distinction between citizens and noncitizens. A warrant must be obtained before police may search a residence or business, except in cases involving national security or emergencies. Judicial authorities issued search warrants. There were no reports of unauthorized searches of homes during the year. The police and security forces were believed to monitor the telephone calls of suspected criminals, of those considered to be security risks, and of selected foreigners.

Citizens must obtain government permission to marry foreigners and to apply for residence permits or citizenship for their spouses; such permission generally was granted.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law does not provide for freedom of speech and of the press, and the Government imposed some restrictions on these rights in practice. There was no formal censorship of the media.

Citizens expressed many of their views freely and in public. Although sensitive political and religious questions were off-limits, for many citizens there was little fear of government monitoring of their speech; however, the larger noncitizen population did not enjoy the same latitude and did not express itself freely and publicly. Unlike in previous years, there were no prosecutions for the expression of views considered offensive to the Government.

While none of the five daily newspapers, three in Arabic and two in English, are state-owned, the owners or board members generally are either high-level government officials or have ties to government officials. Copies of foreign newspapers and magazines were censored for explicit sexual content. The law provides for criminal penalties and jail sentences for libel. All cases involving the media fall under the jurisdiction of the criminal courts. Journalists continued to practice self-censorship due to social and political pressures when reporting on government policies, the ruling family, and relations with neighboring states.

Although personal criticism of government officials was rare, the performance of ministries was the subject of extensive reporting. During the year, the Minister of Health in particular faced substantial criticism in the press and from the Advisory Council for the poor performance of the public health and hospital systems. In 2001 the Ministry of Education sued one Arabic language newspaper for a critical report on public schools, but the case was dismissed when it came to trial.

The Censorship Office in the Qatar Radio and Television Corporation reviewed materials for pornography and material deemed hostile to Islam. There were no reports of political censorship of foreign print or broadcast news media or foreign programs, but the Internet was censored for these reasons. Customs officials screened imported print media, videocassettes, and similar items for pornography, but no longer blocked the personal importation of non-Islamic religious items (*see* Section 2.c.).

State-owned television and radio reflected government views, but the private satellite television network, Al-Jazeera Satellite Channel (JSC), provided an internationally oriented perspective that JSC and the Government both claimed to be free of government influence. Although it is privately owned, since its inception, the Government has paid some of Al-Jazeera's operating costs. Al-Jazeera's programs generally did not cover local news. Callers to a popular morning show on the state-owned radio frequently discussed topics such as government inefficiency and the lack of responsiveness by various ministries to citizens' needs, such as poor schools, failure to deliver adequate water and sewage services, and problems with the health care system.

Approximately 80,000 residents now access the Internet, which was provided through the privatized telecommunications monopoly. During the year, Internet rates for Internet Service Providers (ISP) subscribers were reduced, and prepaid and dial-up access for non-subscribers was introduced, encouraging greater access to the Internet. Internet service was censored for political, religious, and pornographic content through a proxy server, which blocked Web sites containing certain key words and phrases. A user who believed that a site was censored mistakenly could submit the Web address to have the site reviewed for suitability.

There was no legal provision or tradition of academic freedom, and instructors at the University exercised self-censorship.

b. Freedom of Peaceful Assembly and Association.—The law does not provide for the freedom of assembly, and the Government severely limited it in practice. The Government generally did not allow political demonstrations; however, in April it permitted a peaceful demonstration during which approximately 3,000 persons protested the Israeli government's actions against Palestinians.

The law does not provide for freedom of association, and the Government severely limited it in practice. The Government did not allow political parties or membership in international professional organizations critical of the Government or of any other Arab government. Private social, sport, trade, professional, and cultural societies must be registered with the Government; registration of such groups routinely was granted. Security forces monitored the activities of such groups.

c. Freedom of Religion.—There is no legal protection for freedom of religion, and the Government officially prohibited public worship by non-Muslims; however, it permitted and protected private services.

The state religion is Islam, as interpreted by the conservative Wahhabi order of the Sunni branch. While Shi'a Muslims practiced most aspects of Islam freely, they did not organize traditional Shi'a ceremonies or perform rites such as self-flagellation.

The Government and ruling family are linked inextricably to Islam. The Ministry of Islamic Affairs controls the construction of mosques, the administration of clerical affairs, and Islamic education. The Amir participated in public prayers during both Eid holiday periods, and personally financed the Hajj journeys of poor pilgrims.

Shi'a Muslims were well represented in the bureaucracy and business community, but there were no Shi'as employed in senior national security positions. Non-Muslims were not known to face governmental or societal discrimination or violence.

Christian church officials continued to press the Government for authorization to construct churches. The Government designated plots for the Catholic, Anglican, Coptic, and other Christian communities on land set aside for the construction of churches, but had not issued building permits by year's end. In the past, the Government has raised concerns that rapid progress may provoke criticism among more conservative critics. In November the Government established diplomatic relations with the Vatican.

Non-Muslims may not proselytize, and the Government officially prohibits public worship by non-Muslims. However, it did permit and protect private services. Converting from Islam is considered apostasy, and is technically a capital offense; however, since 1971 there have been no records of execution for such a crime.

The Government did not permit Hindus, Buddhists, or other polytheistic religions to operate as freely as Christian congregations. However, there was no official effort to harass or hamper adherents of these faiths in the private practice of their religion. There were no reliable estimates of the number of non-Muslims in the country.

The Government formally prohibited the publication, importation, and distribution of non-Islamic religious literature; however, in practice individuals generally were not prevented from importing Bibles and other religious items for personal use. Religious materials for use at Christmas and Easter were available readily in local shops. However, Bibles were not available in Arabic.

Islamic instruction was compulsory in public schools. While there were no restrictions on non-Muslims providing private religious instruction for children, most foreign children attended secular private schools.

Both Muslim and non-Muslim litigants may request Shari'a courts to assume jurisdiction in commercial or civil cases.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice, with some notable exceptions. There were no restrictions on internal travel, except around sensitive military and oil installations. In general, women did not require permission from male guardians to travel; however, men

may prevent female relatives and children from leaving the country by providing their names to immigration officers at ports of departure. Technically women employed by the Government must obtain official permission to travel abroad when requesting leave, but the extent to which this regulation was enforced was not known. Citizens critical of the Government sometimes faced restrictions on their right to travel abroad.

All citizens have the right to return. Foreigners were subject to immigration restrictions designed to control the size of the local labor force. Foreign workers must have the permission of their sponsor employer to enter and depart the country (*see* Sections 6.c. and 6.d.), but their dependents may leave the country without restriction. Foreign women who are married to citizens were granted residence permits and may apply for citizenship; however, they were expected to relinquish their foreign citizenship.

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. Those attempting to enter the country illegally, including persons seeking asylum from nearby countries, were refused entry. Asylum seekers who were able to obtain local sponsorship or employment were allowed to enter and may remain as long as they are employed.

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

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

Citizens do not have the right to change their government or the political system peacefully. The political institutions combine the characteristics of a traditional Bedouin tribal state and a modern bureaucracy. Under the amended Provisional Constitution, the Amir must be chosen from and by the adult males of the Al-Thani family. The Government did not permit political parties or organized opposition groups.

The Amir exercises most executive and legislative powers, including appointment of cabinet members. In 1999 citizens elected a 29-member Central Municipal Council. For the first time, men and women aged 18 and older were permitted both to vote and to run as candidates in free and fair elections. The Council is a nonpartisan body that addressed local issues such as street repair, green space, trash collection, and public works projects. Its role is to advise the Minister of Municipal Affairs and Agriculture. The Council does not have the authority to change policy.

In 1998 the Amir announced the formation of a committee to draft a permanent constitution that would provide for parliamentary elections. The constitutional committee was inaugurated in 1999 and included 36 government officials, academics, and prominent business leaders. In addition to subcommittees on the legislature, executive, and judiciary, it included a subcommittee on human rights. In July the committee completed its work and submitted a draft constitution to the Amir.

Impediments that prevented or hindered women from participating in politics included lack of experience and role models, and the traditional society, in which women are expected to be mothers and caretakers. The highest-ranking women in official positions were the Undersecretary of Education and the Vice-President of the University. There were no women on the elected Municipal Council. The Amir's sister, Sheikha Hessa al Thani, Vice President of the Supreme Council of Family Affairs, was given the title of Minister.

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

The Government does not permit independent local human rights organizations to exist. However, on November 11, the Amir announced the establishment of a National Committee for Human Rights, to be composed of representatives drawn from both government ministries and civil society. The Committee was charged with investigating human rights violations and improving local human rights conditions. By year's end, members had not been named and the Committee had not yet met.

No international human rights organizations were known to have requested to investigate conditions in the country during the year. However, Amnesty International and foreign embassies were invited to send observers to sessions of the public trial of those accused in the 1996 coup attempt. Foreign observers attended the trial sessions held in 2001.

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

The law prohibits discrimination in the workplace; however, institutional, cultural, and legal discrimination based on gender, race, and social status existed.

Women.—According to Shari'a, all forms of physical abuse are illegal. The maximum penalty for rape is death. Shari'a provides for no punishment for spousal rape. According to a local nongovernmental organization (NGO) on family issues, domestic violence against women occurred, but was not widespread. The police investigated reports of violence against women. In the past few years, the Government has demonstrated an increased willingness to make arrests in cases of domestic violence, whether against citizens or foreigners. However, offenders who are citizens usually received lighter punishments than did foreigners. During the year, there were no publicized arrests or convictions for domestic violence.

Some employers mistreated some foreign domestic servants, especially those from South Asia and the Philippines. In most cases, the mistreatment involved nonpayment or late payment of wages, but also included rape and physical abuse (*see* Section 6.e.). Foreign embassies provided shelter for maids who left their employers as a result of abuse or disputes. Abused domestic servants usually did not press charges for fear of losing their jobs.

The legal system allows leniency for a man found guilty of committing a "crime of honor," a euphemism that refers to a violent assault against a woman for perceived immodesty or defiant behavior; however, such honor killings are rare and none received public attention during the year.

The activities of women were restricted closely both by law and tradition. For example, women were prohibited from applying for driver's licenses unless they had permission from a male guardian. This restriction did not apply to noncitizen women. The Government adhered to Shari'a as practiced in the country in matters of inheritance and child custody. Muslim wives have the right to inherit from their husbands. However, they inherit only one-half as much as male relatives. Non-Muslim wives inherit nothing, unless a special exception is arranged. In cases of divorce, Shari'a is followed; younger children remain with the mother and older children with the father. Both parents retain permanent rights of visitation. However, local authorities did not allow a noncitizen parent to take his or her child out of the country without permission of the citizen parent. Women may attend court proceedings but generally are represented by a male relative; however, women may represent themselves. According to Shari'a, the testimony of two women equals that of one man, but the courts routinely interpret this on a case-by-case basis. A non-Muslim woman is not required to convert to Islam upon marriage to a Muslim; however, many make a personal decision to do so. A noncitizen woman is not required to become a citizen upon marriage to a citizen. Children born to a Muslim father are considered to be Muslim.

The legal system follows Shari'a law in matters of inheritance and child custody. Muslims have the automatic right to inherit from their spouses; however non-Muslim spouses (invariably wives, since Muslim women cannot legally marry non-Muslims) do not inherit unless their spouse formally wills them a portion (up to one third of the total) of their estates. Muslim wives have the right to inherit from their husbands. However, they inherit only one-half as much as male relatives. In cases of divorce, young children usually remain with the mother, whatever her religion. However, the Government did not allow noncitizen parents, even if they have custody of their children, to take them out of the country without the permission of the citizen parent, which effectively discriminated against non-Muslim parents.

Professional opportunities for women increased. Many serve as senior professionals in government service, education, health, and private business. Women made up 14 percent of the overall workforce, and 26 percent of the local national workforce, including as university professors, public school teachers, and police. Women appeared to receive equal pay for equal work; however, they often did not receive equal allowances. These allowances generally covered transportation and housing costs.

Although women legally were able to travel abroad alone (*see* Section 2.d.), tradition and social pressures caused most to travel with male escorts. There also have been complaints that citizen husbands took their foreign spouses' passports and, without prior approval, turned them in for local citizenship documents. The husbands then informed their wives that the wives had lost their former citizenship. In other cases, foreign wives have reported being forbidden by their husbands or in-laws to visit or to contact foreign embassies.

The Government actively supported women's education. Females constituted approximately two-thirds of the student body at the University. Increasingly women received government scholarships to pursue degrees at foreign universities.

There were no independent women's rights organizations, nor has the Government permitted the establishment of such organizations. The Supreme Council for Family Affairs sought to improve the status of women and the family under both civil and Islamic law. During the year, the Council sponsored a symposium designed

to increase women's participation in political affairs, including the upcoming elections.

Children.—The Government demonstrated its commitment to citizens' children's rights through a well-funded, free public education system (elementary through university) and a complete medical protection program. Education was compulsory for citizens (both boys and girls) through the age of 18. Education through primary school (the equivalent of 9th grade) was compulsory and free for all noncitizen resident children. Medical coverage for noncitizen children was limited.

There was no societal pattern of abuse of children, apart from the trafficked, juvenile camel jockeys, which was a problem (*see* Sections 6.c., 6.d., and 6.f.).

The Supreme Council for Family Affairs, in collaboration with the Ministry of Interior, set up a hotline called the Friendly Line for use by children. The system allowed both citizen and noncitizen children to call in with questions and concerns ranging from school, health, and psychological problems to concerns about sexual harassment.

Persons with Disabilities.—The law does not address the question of discrimination against persons with disabilities. The Government did not enact legislation or otherwise mandate provision of accessibility for persons with disabilities, who also face societal discrimination. The Government maintained a hospital and schools that provide high-quality, free services to persons, including noncitizens, with mental and physical disabilities.

National/Racial/Ethnic Minorities.—The Government discriminated based on nationality in the areas of employment, education, housing, and health services. Noncitizens did not receive the same benefits as citizens. They were required to pay for health care, electricity, water, and education (services that were provided free of charge to citizens) and were not permitted to own property. The largest nationality groups among noncitizens were Indian, Pakistani, and Iranian nationals, and Arab nationals of other countries. In the private sector, many citizens of Iranian origin occupied some of the highest positions.

Section 6. Worker Rights

a. The Right of Association.—The law prohibits all workers, including foreigners, from forming labor unions. The law provides for the establishment of joint consultative committees composed of representatives of the employer and workers. The right of association was limited strictly. The committees did not discuss wages but considered issues such as organization, productivity, conditions of employment, training of workers, and safety measures and their implementation.

Since 1995 the country has been suspended from the U.S. Overseas Private Investment Corporation (OPIC) insurance programs because of the Government's lack of compliance with internationally recognized worker rights standards.

b. The Right to Organize and Bargain Collectively.—Workers were prohibited from engaging in collective bargaining. Wages were set unilaterally by employers without government involvement. Local courts handled disputes between workers and employers; however, foreign workers tended to avoid drawing attention to their problems with their employers for fear of being repatriated at the request of their employer.

The law provides most workers with the right to strike, but only after their particular grievance has been ruled on by the Labor Department of the Ministry of Civil Service. Employers may close a place of work or dismiss employees once the Department has heard a complaint. The Department widely was perceived to be objective, within a narrow mandate dealing with the nonpayment of wages and poor living conditions. It did not consider wage levels that were set by employers unilaterally in the absence of labor unions.

Although it was government policy to assist laborers seeking payment of late salaries due (usually through the Labor Department), small groups of laborers (10 to 20) resorted to illegal work stoppages to force payment of arrears. In 2001 1,500 employees of a local construction company went on strike to force payment of their wages. After management did not honor an initial settlement brokered by the Labor Department, employees struck again during the year, forcing immediate payment of 1 month's back wages and a new commitment to settle outstanding arrears. Also during the year, another case involved 850 employees of a construction firm in which management did not implement a settlement to pay back wages, leading to Labor Department intervention and a new commitment from management to pay wages owed.

The right to strike did not exist for government employees, domestic servants, or members of the employer's family. No worker in a public utility, health, or security service may strike if it would harm the public or lead to property damage.

Strikes remained frequent during the year. The Labor Department claimed that it resolved the vast majority of worker complaints amicably, with a very small percentage referred to the courts for judgment.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, foreign workers in some cases were employed under circumstances that constituted forced labor. Three-quarters of the workforce were foreign workers who, dependent on a single employer for residency rights, were vulnerable to abuse. For example, employers must give consent before exit permits are issued to any foreign employee seeking to leave the country. Some employers temporarily withheld this consent to force foreign employees to work for longer periods than they wished. In extreme cases, employers deported employees at the end of their contract in order to avoid paying them the lawfully mandated end-of-service bonus. Unskilled workers and domestic servants were particularly vulnerable to nonpayment or late payment of wages.

Very young boys were used as jockeys in camel races (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law provides that minors between the ages of 15 and 18 may be employed with the approval of their parents or guardians, and some children work in small, family-owned businesses. Minors may not work more than 6 hours a day or more than 36 hours a week. Employers must provide the Labor Department with the names and occupations of their minor employees. Employers also must obtain permission from the Ministry of Education to hire a minor. The Department may prohibit the employment of minors in jobs that are judged dangerous to the health, safety, or morals of minors. Child labor occurred. Very young children, usually of African or South Asian background, were employed as jockeys in camel races (*see* Section 6.f.).

The law prohibits forced and bonded labor by children and generally enforced this prohibition effectively with respect to citizen but not noncitizen children (*see* Section 6.c.).

e. Acceptable Conditions of Work.—Although the law provides the Amir with authority to set one, there was no minimum wage,. The average wage provided a decent standard of living for a worker and family. According to Planning Council statistics, the average monthly wage in 2001 was $795 (2,902 riyals). The law prescribes a 48-hour workweek with a 24-hour rest period, although most government offices followed a 36-hours-per-week work schedule. Employees who worked more than 48 hours per week, or 36 hours per week during the Muslim month of Ramadan, were entitled to overtime pay. This law was adhered to in government offices and major private sector companies. It was not observed with respect to unskilled laborers and domestic and personal employees, all of whom, with scant exception, were foreigners. Many such workers frequently worked 7 days per week, and more than 12 hours per day with few or no holidays, no overtime pay, and no effective way to redress grievances.

The Government has enacted regulations regarding worker safety, but enforcement, which is the responsibility of the Ministry of Energy and Industry, was lax. The Department of Public Safety oversaw safety training and conditions, and the state-run petroleum company had its own safety standards and procedures. The law listed partial and permanent disabilities for which compensation may be awarded, some connected with handling chemicals and petroleum products or construction injuries. The law does not specifically set rates of payment and compensation. Workers who suffered work-related sickness or injuries received free medical treatment provided by the Government. The law does not provide workers specifically the right to remove themselves from hazardous work conditions, and workers often hesitated to remove themselves from hazardous work conditions because of fear of dismissal.

Foreign workers may enter the country on a visitor's visa, but a sponsor then is needed to convert the visitor's visa to a work visa and the worker must have his sponsor's permission to depart the country. The Government has also penalized citizen employers who severely violated residence and sponsorship laws by prohibiting them from importing labor until they rectified the situation. The law provides any worker with the right to seek legal relief from onerous work conditions; however, domestic servants generally did not pursue such relief in order to avoid repatriation. Employers mistreated some foreign domestic servants. Such mistreatment generally involved the nonpayment or late payment of wages; in some cases it involved rape and physical abuse (*see* Section 5).

f. Trafficking in Persons.—The law prohibits prostitution and trafficking in persons; however, there have been reports that both children and women were trafficked to the country.

Children aged 4 to 15, mostly of African, Pakistani, and Bangladeshi origin, were used as jockeys in camel races. Guardians and handlers, who often posed as parents, brought the children into the country and supervised their training. They lived in difficult conditions and trained on a daily basis to become riders.

The country also was a destination for trafficked women and girls. Women from East Asia, South Asia, and Africa traveled to the country to work as domestic servants, and some have reported being forced into domestic servitude and sexual exploitation. The Government provided assistance to domestics who have suffered from abuse in the form of payment of back wages and repatriation.

The Government did not investigate or prosecute traffickers actively. The Government repatriated victims of trafficking upon discovering their presence and did not provide assistance to victims. It did not support public awareness campaigns regarding the problem of trafficking of women and girls.

In 2000 a national campaign was undertaken to set the minimum age of 15 and minimum weight of 100 pounds for camel jockeys. In 2001 the Government introduced new safety measures including the use of helmets and safety belts, and opened a school and health center for the riders. During the year, however, the minimum weight only was raised from 48.4 to 50.6 pounds.

SAUDI ARABIA

Saudi Arabia is a monarchy without elected representative institutions or political parties. It is ruled by King Fahd bin Abd Al-Aziz Al Saud, a son of King Abd Al-Aziz Al Saud, who unified the country in the early 20th century. A 1992 royal decree reserved for the King exclusive power to name the Crown Prince. Since the death of King Abd Al-Aziz, the King and Crown Prince have been chosen from among his sons. Crown Prince Abdullah has played an increasing role in governance since King Fahd suffered a stroke in 1995. The Government has declared the Islamic holy book the Koran and the Sunna (tradition) of the Prophet Muhammad to be the country's Constitution. The Government bases its legitimacy on governance according to the precepts of a rigorously conservative form of Islam. Neither the Government nor the society in general accepted the concept of separation of religion and state. The Government prohibited the establishment of political parties and suppressed opposition views. In 1992 King Fahd appointed a Consultative Council, or Majlis Ash-Shura, and similar provincial assemblies. The Majlis, an increasingly influential appointed consultative body, began holding sessions in 1993 and was expanded first in 1997 and again in 2001. The judiciary, though subject to influence by government officials, was reportedly becoming slightly more independent.

The Government maintained control of the various security forces. Police and border forces under the Ministry of Interior were responsible for internal security. Also subordinate to the Ministry of Interior were the Mubahith, or internal security force, and the elite special forces. The Committee to Prevent Vice and Promote Virtue, whose agents commonly were known as Mutawwa'in, or religious police, was a semiautonomous agency that enforced adherence to Islamic norms by monitoring public behavior. The Crown Prince controlled the National Guard. The Deputy Prime Minister and Minister of Defense and Aviation, Prince Sultan, was responsible for all the military forces. Members of the security forces committed serious human rights abuses.

The population was approximately 22.1 million. The oil industry was the basis of the transformation of the country from a pastoral, agricultural, and trading society to a rapidly urbanizing one, characterized by large-scale infrastructure projects, an extensive social welfare system, and a labor market comprised largely of foreign workers. Oil and gas revenues accounted for approximately 35 to 40 percent of the gross domestic product (GDP) and 75 percent of government income. Agriculture accounted for approximately 6 percent of GDP. Government spending accounted for 37 percent of GDP. Approximately 40 percent of the economy was nominally private, and the Government was promoting further privatization of the economy. Since 1995 the Government has aggressively campaigned to increase the number of citizens in the public and private work forces.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens did not have the right or the legal means to change their government. Security forces continued to abuse detainees and prisoners, arbitrarily arrest and detain persons, and hold them in incommunicado detention. Security forces committed torture. In 2001 the Council of Ministers approved a new law regarding punitive measures that would forbid harming detainees and to allow those accused of crimes to hire a lawyer or legal agent. On May 1, the new Saudi Criminal Procedural Law went into effect. Pro-

longed detention without charge was a problem. Security forces committed such abuses, in contradiction to the law, but with the acquiescence of the Government. The Mutawwa'in continued to intimidate, abuse, and detain citizens and foreigners. Most trials were closed, and defendants usually appeared before judges without legal counsel. The Government infringed on citizens' privacy rights. The Government prohibited or restricted freedom of speech, the press, assembly, association, religion, and movement. However, during the year, the Government continued to tolerate a wider range of debate and criticism in the press concerning domestic issues. Discrimination and violence against women, discrimination against ethnic and religious minorities, and strict limitations on worker rights continued.

The Government viewed its interpretation of Islamic law as its sole source of guidance on human rights and disagreed with internationally accepted definitions of human rights. However, in the past and during the year, the Government initiated limited measures to participate in international human rights activities, such as its welcome in October of the visit of the U.N. Human Rights envoy following the Government's implementation in May of its new bill of rights Criminal Procedure Code, which the Government claimed would address some of its obligations under the Convention Against Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The Government executed persons for criminal offenses after closed trials in which forced confessions were common. A few procedural safeguards were provided through the new Criminal Procedural Law, though there was little evidence of its actual implementation (*see* Sections 1.c. and 1.e.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Shar'ia (Islamic law) prohibits any judge from accepting a confession obtained under duress; however, there were credible reports that the authorities abused detainees, both citizens and foreigners. Ministry of Interior officials were responsible for most incidents of abuse of prisoners, including beatings, whippings, sleep deprivation, and at least three cases of drugging of foreign prisoners. In addition, there were allegations of torture, including allegations of beatings with sticks, suspension from bars by handcuffs, and threats against family members. Torture and abuse were used to obtain required confessions from prisoners (*see* Section 1.e.). There were reports that in detention centers some boys and young men were flogged, forced constantly to lie on hard floors, deprived of sleep, and threatened with whipping and other abuse.

The Government has refused to recognize the mandate of the U.N. Committee Against Torture to investigate alleged abuses, although it has invited the committee to visit the country. However, the Government has pledged to cooperate with U.N. human rights mechanisms and announced in 2000 the establishment of a committee to investigate allegations of torture pursuant to its obligations under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (*see* Section 4). At year's end, there was no indication that the committee had begun functioning.

In October the Government welcomed the visit of the U.N. Special Rapporteur on the independence of judges and lawyers, the first ever from the U.N. Commission for Human Rights, and allowed the U.N. Human Rights lawyer and his team to examine its criminal and civil laws, courts, and prisons. The Government's past failure to criticize human rights abuses has contributed to the public perception that security forces may commit abuses with impunity.

The Mutawwa'in continued to intimidate, harass, abuse, and detain citizens and foreigners of both sexes. They also brought citizens to police for detention. Throughout the year, both citizens and foreigners reported incidents of intimidation, harassment, and detention by the Mutawwa'in (*see* Sections 1.d. and 1.f.).

The Government punished criminals according to its interpretation of Shari'a. Punishments included flogging, amputation, and execution by beheading, stoning, or firing squad. At year's end, authorities acknowledged 43 executions, significantly lower than the 81 in the previous year. Executions were for killing, narcotics-related offenses, rape, and armed robbery. In accordance with Shari'a, the authorities may punish repeated thievery and other repeated offenses by amputation of the right hand and left foot. Persons convicted of political or religious crimes reportedly were flogged with a leather strap. Persons convicted of less serious offenses, such as alco-

hol-related offenses or being alone in the company of an unrelated person of the opposite sex, sometimes were punished by caning.

Prison and jail conditions varied. Prisons reportedly generally met internationally accepted standards and allegedly provided air-conditioned cells, good nutrition, regular exercise, and careful patrolling by prison guards. In October the Government received the U.N. Special Rapporteur on the independence of judges and lawyers and allowed him access to prisons. During his visit, the Government again publicized its intention to form a human rights committee, though no details were forthcoming at year's end. Some police stations, deportation centers, and jails, nonetheless, were overcrowded, unsanitary, and not air-conditioned. Authorities generally allowed family members access to detainees, but in some cases only after holding detainees for a significant period of time.

In 1992 King Fahd established regional Boards of Investigation and Public Prosecution. The members of these boards had the right to inspect prisons, review prisoners' files, and hear their complaints. However, the Government did not yet permit NGO human rights monitors to visit prisons or jails.

Representatives of the U.N. High Commissioner for Refugees (UNHCR) were present at the Rafha refugee camp, which houses former Iraqi prisoners of war and civilians who fled Iraq following the Gulf War. According to UNHCR officials, there was no systematic abuse of refugees by camp guards. When isolated instances of abuse surfaced in the past, the authorities were responsive and willing to investigate allegations and reprimand or remove offending guards. The camp received a high level of material assistance and was generally comfortable and well run. The Government previously confined refugees to the camp, except in the event of approved emigration (*see* Section 2.d.); however, during the year, refugees were permitted to visit the town of Rafha to shop. During the year, the Government began working with the UNHCR to make arrangements for Rafha refugees to gain employment in the Rafha area.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the authorities at times arrested and detained persons without following explicit legal guidelines. The Mutawwa'in generally were free to intimidate and bring to police stations persons whom they accused of committing "crimes of vice" based on their own religious interpretations. There were few existing formal procedures to safeguard against abuse, although the Government claimed that it punished individual officers who violate regulations. There have been few publicized cases of citizens successfully obtaining judicial redress for abuse of the Government's power of arrest and detention. In February the press reported that at least one Court of Grievances ordered the police department in Jeddah to pay compensation to one Arab expatriate for detaining him illegally for 2 months.

According to regulation, authorities may not detain suspects for longer than 3 days before charging them. However, serious exceptions have been reported. In practice persons were held weeks or months and sometimes longer. The regulations also provided for bail for less serious crimes, although authorities at times released detainees on the recognizance of a patron or sponsoring employer without the payment of bail. If they were not released, authorities typically detained accused persons for an average of 2 months before sending the case to trial or, in the case of some foreigners, summarily deporting them. There were no established procedures providing detainees the right to inform their family of their arrest.

The Mutawwa'in have the authority to detain persons for no more than 24 hours for violations of the strict standards of proper dress and behavior. In the past, they sometimes exceeded this limit before delivering detainees to the police (*see* Section 1.f.). Mutawwa'in reportedly in practice handed over detainees to police within the 24-hour period; however, in some cases police held prisoners for longer periods, depending on the offense. Procedures required a police officer to accompany the Mutawwa'in at the time of an arrest. Mutawwa'in generally complied with this requirement. During the year, in the more conservative Riyadh district, reports continued of Mutawwa'in accosting, abusing, arresting, and detaining persons alleged to have violated dress and behavior standards.

The Mutawwa'in reportedly detained young men for offenses that included eating in restaurants with young women, making lewd remarks to women in the shopping malls, or walking in groups through family-only sections of shopping centers. Women of many nationalities were detained for actions such as riding in a taxi with a man who was not their relative, appearing with their heads uncovered in shopping malls, and eating in restaurants with males who were not their relatives. Many such prisoners were held for days, sometimes weeks, without officials notifying their families or, in the case of foreigners, their embassies.

The Government continued to detain Christians, at times for holding services and at times apparently arbitrarily (*see* Section 2.c.).

During the year, the Government reportedly detained a number of Shi'a sheikhs (religious leaders)(*see* Section 2.c.).

Early in the year, the Government arrested six leaders of the Ismaili Shi'ite sect in Najran. They continued to be detained along with a reported 93 others held since the protests there. On December 3, King Fahd commuted the death penalty for 17 citizens arrested during the Najran riots to 10 years in prison and lowered the sentence from 10 to 5 years for many of the others arrested. On December 24, the Government released an elderly Ismaili religious leader, Hajj Mohammed Al-Saadi, held in a maximum security prison since the riots in 2000. He was among those whose sentences were reduced in the King's Ramadan pardon in early December.

Political detainees who are arrested by the General Directorate of Investigation (GDI), the Ministry of Interior's security service (Mubahith), commonly were held incommunicado in special prisons during the initial phase of an investigation, which may last weeks or months. The GDI allowed the detainees only limited contact with their families or lawyers.

The authorities may detain without charge persons who publicly criticize the Government, or may charge them with attempting to destabilize the Government (*see* Sections 2.a. and 3). In late January, in celebration of King Fahd's 20 years of rule and the holy month of Ramadan, the Minister of Interior announced the release of 13,768 prisoners serving time for minor offenses, including 8,905 citizens and 4,863 foreigners.

The Government continued to commit abuses against members of the Shi'a minority. The Government reportedly continued to detain an unknown number of Shi'a who were arrested in the aftermath of the 1996 Al-Khobar bombing. Government security forces reportedly arrested Shi'a based on the smallest suspicion, held them in custody for lengthy periods, and then released them without explanation. In February the Government released Sheikh Al-Ghanim after detention for nearly 2 years; however, 16 Shi'a remained in prison at year's end.

During the year, the Public Security Department in Jeddah announced its commitment to discourage abuse by security forces through the establishment of hotlines (including telephone and fax numbers and an e-mail address) for use by the general public. These new hotlines will allow the public the opportunity to complain about any breach of law by security personnel and to report abuse by police officers. The director of Public Security in Jeddah said a special task force had been set up in the department to act on complaints and proposals from the public. The Jeddah Public Security Department also promised to compensate all proven violations made by security personnel against any citizen or expatriate.

There was no reliable information about the total number of political detainees.

The Government did not use forced exile; however, it previously has revoked the citizenship of opponents of the Government who reside outside the country (*see* Section 3).

e. Denial of Fair Public Trial.—The independence of the judiciary is prescribed by law and was generally respected in practice; however, judges occasionally acceded to the influence of the executive branch, high-ranking members of the royal family and their associates, who were not required to appear before the courts. Judges are appointed by the Justice Ministry and confirmed by the Royal Diwan (Royal Court). The Ministry exercised judicial, financial, and administrative control of the courts. The Supreme Judicial Council, whose members appointed by the King, may discipline or remove judges.

The legal system is based on Shari'a. Shari'a courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance. Such jurisdiction extends to non-Muslims for crimes committed in the country. Shari'a courts base judgments largely on their interpretation of the Koran and the Sunna. Cases involving relatively small penalties were tried in Shari'a summary courts. More serious crimes were adjudicated in Shari'a courts of common pleas. Appeals from Shari'a courts were made to the courts of appeal.

Other civil proceedings, including those involving claims against the Government and enforcement of foreign judgments, were held before specialized administrative tribunals, such as the Commission for the Settlement of Labor Disputes and the Board of Grievances.

The Government permitted Shi'a Muslims to use their own legal tradition to adjudicate noncriminal cases within their community. There was no comparable right for non-Muslims or foreigners, whose cases were handled in regular Shari'a courts.

The military justice system has jurisdiction over uniformed personnel and civil servants that are charged with violations of military regulations. The Minister of Defense and Aviation and the King review the decisions of courts-martial.

The Supreme Judicial Council is not a court and may not reverse decisions made by a court of appeals. However, the Council may review lower court decisions and refer them back to the lower court for reconsideration.

The Council of Senior Religious Scholars is an autonomous body of 20 senior religious jurists, including the Minister of Justice. It establishes the legal principles to guide lower-court judges in deciding cases.

On May 1, the November 2001 Saudi Criminal Procedural Law, went into effect. Reported by the press as a bill of rights, the 225-article law reportedly was part of a plan to restructure court procedures. The approval of the bill followed the Government's decision to allow persons under investigation the right to a lawyer and to permit lawyers to present arguments in criminal courts. In May, following the announcement of the new law's implementation, the Justice Minister issued a public statement announcing his instructions to courts and judges to inform convicts of their right to appeal rulings. According to knowledgeable attorneys there is no evidence yet of the law's implementation.

There were reports during the year that the authorities tortured detainees and pressured them to confess by isolation, blindfolding, and drugging over a period of weeks.

A woman's testimony does not carry the same weight as that of a man. In a Shari'a court, the testimony of one man equals that of two women.

Female parties to court proceedings such as divorce and family law cases generally must deputize male relatives to speak on their behalf. In the absence of two witnesses, or four witnesses in the case of adultery, confessions before a judge almost always were required for criminal conviction—a situation that repeatedly has led prosecuting authorities to coerce confessions from suspects by threats and abuse (*see* Section 1.c.).

Sentencing was not uniform. Laws and regulations state that defendants should be treated equally; however, under Shari'a as interpreted and applied in the country, crimes against Muslims received harsher penalties than those against non-Muslims. In the case of wrongful death, the amount of indemnity or "blood money" awarded to relatives varied with the nationality, religion, age, and sex of the victim. A sentence may be changed at any stage of review, except for punishments stipulated by the Koran.

Provincial governors have the authority to exercise leniency and reduce a judge's sentence. In general members of the royal family and other powerful families were not subject to the same rule of law as ordinary citizens. For example, judges did not have the power to issue a warrant summoning any member of the royal family.

The King and his advisors reviewed cases involving capital punishment. The King has the authority to commute death sentences and grant pardons, except for capital crimes committed against individuals. In such cases, he may request the victim's next of kin to pardon the killer—usually in return for compensation from the family or the King.

There was insufficient information to determine the number of political prisoners. The Government did not provide information regarding such persons or respond to inquiries about them. It did not allow access to political prisoners by international humanitarian organizations. Moreover, the Government conducted closed trials for persons who may have been political prisoners and in other cases has detained persons incommunicado for long periods while under investigation. Amnesty International previously estimated the number of political prisoners to be between 100 and 200; however, there were no current or reliable figures available.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The sanctity of family life and the inviolability of the home are among the most fundamental of Islamic precepts. The Government infringed on these rights. Royal decrees include provisions calling for the Government to defend the home from unlawful intrusions, while laws and regulations prohibit officials from intercepting mail and electronic communication except when necessary during criminal investigations. Nonetheless, there were few procedural safeguards against government interference with privacy, family, home, or correspondence.

The police generally must demonstrate reasonable cause and obtain permission from the provincial governor before searching a private home; however, warrants are not required by law.

Customs officials routinely opened mail and shipments to search for contraband, including material deemed pornographic and non-Muslim religious material. Customs officials confiscated or censored materials considered offensive, including Christian Bibles and religious videotapes (*see* Section 2.c.). The authorities also opened mail and used informants and wiretaps in internal security and criminal matters. Security forces used wiretaps against foreigners suspected of alcohol-related offenses. Informants and an informal system of ward bosses in some districts

reported "seditious ideas," antigovernment activity, or behavior contrary to Islam in their neighborhoods to the Ministry of the Interior.

The Government enforced most social and Islamic religious norms, the Government's interpretation of which are matters of law (*see* Section 5). Women may not marry noncitizens without government permission; men must obtain government permission to marry noncitizen women outside the six states of the Gulf Cooperation Council. In accordance with Shari'a, women are prohibited from marrying non-Muslims; men may marry Christians and Jews, as well as Muslims. Marriages between Sunni and Shi'a citizens were discouraged, and any such marriages generally were made formal officiated in ceremonies in the neighboring country of Bahrain.

In March the Government announced new restrictions against citizens marrying foreigners. The Council of Ministers passed a law barring top civil servants and security officials from marrying foreigners without permission from the King. The list included ministers, judges, employees in the Royal Court and Cabinet, Majlis Ash-Shura members, diplomats and administrative staff in the Foreign Ministry, civil servants posted overseas, chairmen of boards of private companies, staff of the Defense Ministry, National Guard, internal security, intelligence service, public prosecution and customs. According to press reports, citizens who married foreigners without prior authorization no longer would qualify for any of those jobs. The marital restrictions also applied to citizens studying overseas. Violators risked disciplinary action, including being fired from their jobs and even trial.

Mutawwa'in practices and incidents of abuse varied widely in different regions of the country, but they were most numerous in the central Nejd region. In certain areas, both the Mutawwa'in and religious vigilantes acting on their own harassed, abused, arrested, and detained citizens and foreigners (*see* Section 1.d.). The Government requires the Mutawwa'in to follow established procedures and to offer instruction in a polite manner; however, Mutawwa'in did not always comply with the requirements. During the year, the Government neither criticized publicly abuses by Mutawwa'in and religious vigilantes nor sought to curtail such abuses.

Mutawwa'in enforcement of strict standards of social behavior included the closing of commercial establishments during the five daily prayer observances, insisting upon compliance with strict norms of public dress, and dispersing gatherings of women in public places designated for men, as well as preventing men from entering public places designated for families. Mutawwa'in frequently reproached citizen and foreign women for failure to observe strict dress codes and arrested men and women found together who were not married or closely related.

Local media emphasized remarks made by the Interior Minister during a November visit to the Riyadh headquarters of the Commission for the Promotion of Virtue and Prevention of Vice. The Minister called on the Mutawwa'in to respect the sanctity of private homes and refrain from activity that could be construed as prying or harassing citizens. According to credible sources, incidents with Mutawwa'in usually increased during Ramadan because many feel they have added license to assert their authority during the holy month.

Some professors believed that informers monitor comments made in university classrooms and reported them to government authorities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government severely limited freedom of speech and the press; however, the Government continued to relax restrictions somewhat during the year. The authorities did not permit criticism of Islam or the ruling family, and criticism of the Government was rare. However, in November the press reported debate over religious matters. The press published critical commentary about religious authorities segregating women in the Grand Mosque in Mecca and temporarily restricting access for women from certain areas of the Prophet's Mosque in Medina. On November 15, one female citizen journalist described discrimination against female pilgrims in an article in the Arab News stating "I will continue writing about this until the authorities listen to what I have to say."

The authorities allowed the press some freedom to criticize governmental bodies and social policies through editorial comments and cartoons. For example, editors allowed publication of sensational stories of citizen experiences abroad. Also during the year, both Arabic and English newspapers reported on domestic problems, such as abuse of women, servants, and children, previously not addressed by the media. Persons whose criticisms aligned them with an organized political opposition were subject to arrest and detention until they confessed to a crime or signed a statement promising not to resume such criticisms, which was tantamount to a confession.

On occasion the Government provided direction to mosque orators and imams regarding the content of their messages; in some instances the Government has

banned imams from speaking for political comments that they made (*see* Section 2.c.).

The print media were privately owned but publicly subsidized. A media policy statement and a national security law prohibit the dissemination of criticism of the Government. The media policy statement urged journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve cultural heritage. The Ministry of Information appointed, and may remove, all editors in chief. It also provided guidelines to newspapers regarding controversial issues. The Government owned the Saudi Press Agency (SPA), which expressed official government views.

In 2001 the Council of Ministers approved a new press law establishing a journalists' association for citizens to address wages, benefits, and relations with management. In February the Government announced that journalists could now begin to form their own press association as approved by the Council of Ministers.

Newspapers typically published news on sensitive subjects, such as crime or terrorism, only after the information was released by the SPA or when a senior government official had authorized it. Two Saudi-owned, London-based dailies, Ash-Sharq Al-Awsat and Al-Hayat, were distributed widely and read in the country. Both newspapers tended to practice self-censorship in order to comply with government restrictions on sensitive issues.

The authorities dictated to domestic newspapers when they are allowed to release stories about the country that are based on stories in the foreign press. The authorities also continued on occasion to censor stories about the country in foreign publications. Censors removed or blackened offending articles, glued pages together, or prevented certain issues of foreign publications from entering the market. However, while this occurred, it was not consistent and frequently controversial articles appeared in foreign publications that were distributed. During the year, the Ministry of Information continued to relax its blackout policy regarding politically sensitive news concerning the country reported in the international media, although press restrictions regarding domestic reporting remained stringent. Access by citizens to outside sources of information, such as Arabic and Western satellite television channels and the Internet, was increasingly widespread.

In the past, the Government has restricted the entry of foreign journalists. However, during the year, it granted visas to a large number of international media professionals. The Government allowed foreign journalists and photographers, both male and female, to travel widely and to interview. However, in one instance, authorities confiscated videotapes and a laptop computer from one reporter. Authorities gave no reason for confiscating the material.

In March local newspapers publicized public outrage at the fire in the Mecca girls' school. The Government issued a report to the press and the media reported eyewitness accounts from the scene. The resultant public outcry resulted in the dissolution of the separate and religiously controlled Presidency for Girls' Education and the incorporation of female education into the Ministry of Education.

Government interference with the press continued. In March an editor was fired for criticizing judges. In May the Government forced the firing of the editor of Al-Watan for criticizing religious judges.

The Government owned and operated the television and radio companies. Government censors removed any reference to politics, religions other than Islam, pork or pigs, alcohol, and sex from foreign programs and songs. There were several million satellite-receiving dishes in the country, which provided citizens with foreign broadcasts.

The Government banned all books, magazines, and other materials that it considered sexual or pornographic in nature. The Ministry of Information compiled and updated a list of publications that were prohibited from being sold in the country.

The Government censored all forms of public artistic expression and prohibited cinemas and public musical or theatrical performances, except those that are considered folkloric.

Access to the Internet was available legally only through local servers, which the Government monitored closely. There were as many as one million Internet subscribers. Some citizens attempted to circumvent this control by accessing the Internet through servers in other countries. The Government attempted to block all Web sites that it deemed sexual, pornographic, politically offensive, or "un-Islamic." However, such Web sites were accessible from within the country. In 2001 the Government closed a number of Internet cafes, especially those established for women, after complaints that the cafes were being used for "immoral purposes."

Academic freedom was restricted. For example, the authorities prohibited the study of evolution, Freud, Marx, Western music, and Western philosophy. Informers monitored their classroom comments and reported to government and religious authorities.

b. Freedom of Peaceful Assembly and Association.—Shari'a does not address freedom of assembly, but the Government strictly limited freedom of assembly in practice. It prohibited public demonstrations as a means of political expression. Public meetings were segregated by sex. Unless sponsored by diplomatic missions or approved by the appropriate governor, foreign residents who seek to hold unsegregated meetings risked arrest and deportation. The authorities monitored any large gatherings of persons, especially of women. The Mutawwa'in dispersed groups of women found in public places, such as restaurants. Government policy permits women to attend cultural and social events at diplomatic chanceries and residences only if they are accompanied by a father, brother, or husband. However, in practice police often implemented the policy arbitrarily. On some occasions during the year, authorities actively prohibited women from entering diplomatic chanceries or residences to attend cultural events and lectures.

Shari'a does not address freedom of association, and the Government strictly limited freedom of association in practice. The Government prohibited the establishment of political parties or any type of opposition group (*see* Section 3). By its power to license associations, the Government ensured that groups conform to public policy. The Government licensed a large number of humanitarian organizations and tribal and professional societies, such as the Saudi Chemists Society and the Saudi Pharmacists Society. The Government claimed that such groups operate without government interference because they were not detrimental to public security.

The Government maintained its position that public demonstrations were not allowed; however, a small number of public demonstrations occurred. On April 5, protesters demonstrated outside a foreign Consulate in Dhahran. On April 8, university students protested outside Jeddah's King Abd al-Aziz University in support of the Palestinians. The Government peacefully dispersed the crowds. Authorities prevented the holding of other public demonstrations and, according to several reports, used tear gas and rubber bullets to disperse demonstrators in the Eastern Province town of Qatif.

c. Freedom of Religion.—Freedom of religion did not exist. Islam is the official religion, and all citizens must be Muslims.

The Government prohibited non-Islamic public worship. The Government recognized the right of non-Muslims to worship in private; however, it did not always respect this right in practice. Conversion by a Muslim to another religion was considered apostasy. Public apostasy is a crime under Shari'a and punishable by death. There were no executions for apostasy during the year, and no reports of any such executions for the past several years.

Islamic practice generally was limited to that of the Wahhabi order, which adhered to the Hanbali school of the Sunni branch of Islam as interpreted by Muhammad Ibn Al-Wahab, a puritanical 18th century religious reformer. The spreading of Muslim teachings not in conformity with the officially accepted interpretation of Islam was prohibited. However, there were significant numbers of Sufis in the western province who engaged in technically illegal practices, such as celebrating the Mawlid, or Prophet's birthday, more or less openly without government interference. The practice of other schools of Sunni Islam was discouraged, and there was institutionalized discrimination against adherents of the Shi'a branch of Islam.

The Ministry of Islamic Affairs directly supervised, and was a major source of funds for the construction and maintenance of most mosques in the country. The Ministry paid the salaries of imams (prayer leaders) and others who worked in the mosques. On occasion the Government provided direction to mosque orators and imams regarding the content of their messages; in some instances, imams were banned from speaking. A governmental committee was responsible for defining the qualifications of imams. The Mutawwa'in received their funding from the Government and were government employees. The General President of the Mutawwa'in held the rank of cabinet minister. Mutawwa'in and imams were trained at the Imam Mohammed University outside of Riyadh and also at the Umm Al-Qura University in Mecca.

Foreign imams were barred from leading worship during the most heavily attended prayer times and prohibited from delivering sermons during Friday congregational prayers. The Government stated that its actions were part of its "Saudiization" plan to replace foreign workers with citizens. The spreading of Muslim teachings not in conformance with the officially accepted interpretation of Islam was prohibited. Writers and other individuals who publicly criticized this interpretation, including both those who advocated a stricter interpretation and those who favored a more moderate interpretation than the Government's, were imprisoned and faced other reprisals.

The Shi'a Muslim minority (approximately 900,000 of approximately 14 million citizens) lived mostly in the Eastern Province, although a significant number also

resided in Medina in the western province. Its members were the objects of officially sanctioned political, social, and economic discrimination (*see* Section 5).

The authorities permitted the celebration of the Shi'a holiday of Ashura in the eastern province city of Qatif, provided that the celebrants did not undertake large, public marches or engage in self-flagellation (a traditional Shi'a practice). The celebrations were monitored by the police. No other Ashura celebrations were permitted in the country, and many Shi'a traveled to Qatif or to Bahrain to participate in Ashura celebrations. The Government continued to enforce other restrictions on the Shi'a community, such as banning Shi'a books.

According to various reports, the Government arrested and detained a number of Shi'a sheikhs (religious leaders) in 2000 and during the year. Early in 2000, a Shi'a sheikh was taken into custody, and three other sheikhs were arrested for unknown reasons near the border with Jordan. Credible human rights organizations reported that at least seven additional Shi'a religious leaders reportedly remained in detention for violating restrictions on Shi'a religious practices. In March 2000, Mubahith officers reportedly arrested and detained Sheikh Mohammed Al Amri in Medina. In April 2000, Hashim Al-Sayyid Al-Sada, a Shi'a cleric suspected of political or religious dissent, was arrested in his home and reportedly remained in incommunicado detention at year's end (*see* Section 1.d.). In February Sheikh Aliban Ali al-Ghanim who was arrested in August 2000 was released.

The Government seldom permitted private construction of Shi'a mosques. The Shi'a have declined government offers to build state-supported mosques because the Government would prohibit the incorporation and display of Shi'a motifs in any such mosques.

In 2000 rioting by Makarama Ismaili Shi'as in Najran led to an attack by an armed group of Shi'a on a hotel that contained an office of the regional governor. Security forces responded, leading to extended gun battles between the two sides. In December the Government stated that 1 member of the security forces was killed in Najran and that King Fahd commuted the death sentence for 17 of the anti-government insurrectionists.

Early this year in Najran, 6 leaders of the Ismaili Shiite sect were arrested and continued to be detained along with a reported 93 others held since the protests in 2000. In 2001 all six persons were known to have met with a foreign journalist visiting Najran. By year's end, there were 102 minority Ismailis reportedly still in prison in Najran.

Magic is widely believed in and sometimes practiced, often in the form of fortune telling and swindles. However, under Shari'a the practice of magic is regarded as the worst form of polytheism, an offense for which no repentance is accepted, and which is punishable by death. There were an unknown number of detainees held in prison on the charge of "sorcery," or the practice of "black magic" or "witchcraft." In a few cases, self-proclaimed "miracle workers" were executed for sorcery involving physical harm or apostasy. The press reported that police arrested persons accused of sorcery. Based on vague accounts and lack of definition of sorcery included in the crime reports, the charges appeared to be based on hearsay and neighbors' reports of alleged misdeeds. There was no information available on prison time or punishment.

The Government prohibited public non-Muslim religious activities. Non-Muslim worshippers risked arrest, lashing, and deportation for engaging in overt religious activity that attracts official attention. The Government has stated publicly, including before the U.N. Commission on Human Rights, that its policy is to protect the right of non-Muslims to worship privately. During the year, senior officials in the Government reaffirmed to a visiting religious delegation the right of non-Muslims to engage in private religious worship. However, it did not provide explicit guidelines-such as the number of persons permitted to attend and acceptable locations-for determining what constitutes private worship, which made distinctions between public and private worship unclear. Such lack of clarity, as well as instances of arbitrary enforcement by the authorities, forced most non-Muslims to worship in such a manner as to avoid discovery by the Government or others. Those detained for non-Muslim worship almost always were deported by authorities after sometimes lengthy periods of arrest during investigation.

At year's end, there were no reports that Christians detained for practicing their religion remained in prisons. During the year, there were a few raids, arrests, and detentions of Christians throughout the country. In early January, three Ethiopian Christians, detained in 2001 in Jeddah in connection with an investigation into a Christian worship group, alleged in a well-circulated e-mail that they were tortured, submitted to severe punishment and physical abuse. Later in the year the three were released and deported. In March 2 Filipino Christians, imprisoned in Dammam for conducting a Roman Catholic prayer group in their home, were sen-

tenced to 150 lashes and deportation following a 30-day jail sentence. In April Mutawwa'in arrested 26 Christians in successive raids on 2 private houses and handed them over to the Mubahith or investigative arm of the Ministry of Interior. After 2 days, 23 of the Christians were released, but 3 of them (1 Sudanese and 2 Sri Lankans) remained in prison until September 5, and then were released without charge. They subsequently were informed by their Saudi sponsors that they had to leave the country and not return to their work. In late May, police in Jeddah imprisoned 11 Ethiopian and Eritrean Christians accused of practicing their religion in their homes. By early September all of them had been released and deported.

The Government did not permit non-Muslim clergy to enter the country for the purpose of conducting religious services, although some came under other auspices. Such restrictions made it very difficult for most non-Muslims to maintain contact with clergymen and attend services. Catholics and Orthodox Christians, who require a priest on a regular basis to receive the sacraments required by their faith, particularly were affected.

Proselytizing by non-Muslims, including the distribution of non-Muslim religious materials such as Bibles, was illegal. There were no reports during the year of arrests for proselytizing. Muslims or non-Muslims wearing religious symbols of any kind in public risked confrontation with the Mutawwa'in. Under the auspices of the Ministry of Islamic Affairs, approximately 50 so-called "Call and Guidance" centers employing approximately 500 citizens to convert foreigners to Islam. Some non-Muslim foreigners converted to Islam during their stay in the country, including more than 200 persons in Jeddah each year. The press often carried articles about such conversions, including testimonials.

Under the Hanbali interpretation of Shari'a law, judges may discount the testimony of persons who are not practicing Muslims or who do not adhere to the correct doctrine. Legal sources reported that testimony by Shi'a is often ignored in courts of law or is deemed to have less weight than testimony by Sunnis. For example, in 2001 a judge in the eastern province asked two witnesses to an automobile accident if they were Shi'a. When they so confirmed, the judge announced to the court that their testimony was inadmissible. Sentencing under the legal system was not uniform. Laws and regulations state that defendants should be treated equally; however, under Shari'a as interpreted and applied in the country, crimes against Muslims may result in harsher penalties than those against non-Muslims.

Islamic religious education was mandatory in public schools at all levels. All children received religious instruction, which generally was limited to that of the Hanbali school of Islam.

In accordance with Shari'a, Saudi women were prohibited from marrying non-Muslims, but Saudi men may marry Christians and Jews, as well as Muslims.

The Government required noncitizens to carry Iqamas, or legal resident identity cards, which contained a religious designation for "Muslim" or "non-Muslim."

Shi'a citizens are discriminated against in government and employment, especially in national security jobs. Shi'a are subjected to employment restrictions in the oil and petrochemical industries and some Shi'a who are suspected of subversion have been subjected periodically to surveillance and limitations on travel abroad. Since beginning the investigation of the 1996 bombing of a U.S. military installation, authorities have detained, interrogated, and confiscated the passports of a number of Shi'a, including Shi'a returning to the country following travel to Iran (*see* Sections 1.d. and 2.d.). Additionally, the courts will not accept a member of the Shi'a faith as a witness in a trial.

In 2000 rioting by members of the Makarama Ismaili Shi'a eventually led to an attack by an armed group of Shi'a led to extended gun battles with security forces between the two sides.

Children of Saudi fathers are considered Muslim, and reportedly are coerced to conform to their father's interpretation of Islam. However, no cases were reported during the year.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricted these rights. The Government restricted the travel of citizen women. All women in the country were prohibited from driving and were dependent upon males for any transportation. Likewise, they must obtain written permission from their closest male relative before the authorities allowed them to travel abroad (*see* Section 5). The requirement to obtain permission from a male relative or guardian applied also to foreign women married to citizens or to the minor and single adult daughters of Saudi fathers. In 2001, the Government announced that women could obtain their own identity cards; however, it required that they obtain permission to receive a card from their nearest male relatives. More-

over, the identity cards have not been made mandatory for women (*see* Section 5). The restrictions on travel also applied to American citizen children of Saudi fathers. In cases where there were custody disputes between American women and their Saudi husbands, the husband was able to prevent the travel of the children to the United States even when there was a valid U.S. custody order. These restrictions on travel can continue even after the children reach adulthood, although the Government has worked with U.S. consular officials to overcome a father or husband's refusal to permit the travel of adult American citizen female relatives. During the year, senior officials indicated a willingness to allow adult American citizen women to travel despite objections by their husband or other male relative. However, by year's end, the policy had not been implemented.

Since the 1979 Iranian revolution, some Shi'a suspected of subversion have been subjected periodically to surveillance and limitations on travel abroad. In 2001 the Government lifted the requirement that citizens intending to travel to Iran seek permission in advance from authorities.

There was a high increase in tourism, especially religious tourism by Shi'ites from Saudi Arabia to Iran. The change corresponded with improving relations between Saudi Arabia and Iran. Advance permission for travel to Iraq, whether for business or religious pilgrimage, has been necessary for some time due to security concerns, but such travel remained possible. Travel to Iraq still required specific permission.

Foreigners typically were allowed to reside or work in the country only under the sponsorship of a citizen or business. By law the sponsors or employers of foreign residents must hold their passports until they are prepared to depart the country. The Government required foreign residents to carry identification cards. It did not permit foreigners to change their workplace without their sponsor's permission.

Stateless "bidoons" continued moving and living nomadically around the northern border. Bidoons are Arabs who have residency ties to the country—some going back generations, some for briefer periods—but who have no conclusive documentation of their nationality. Bidoons were given Iqamas by the Government but not passports and had difficulty in obtaining visas for foreign travel.

Sponsors generally retained possession of foreign workers' passports, although some classes of foreign workers were allowed to keep their passports. Foreign workers must obtain permission from their sponsors to travel abroad. If sponsors were involved in a commercial or labor dispute with foreign employees, they may ask the authorities to prohibit the employees from departing the country until the dispute is resolved. Some sponsors used this as a pressure tactic to resolve disputes in their favor or to have foreign employees deported. There were numerous reports of the Government prohibiting foreign employees involved in labor disputes from departing the country until the dispute was resolved (*see* Sections 5 and 6.c.).

The Government seized the passports of all potential suspects and witnesses in criminal cases and suspended the issuance of exit visas to them until the case was concluded. As a result, some foreign nationals were forced to remain in the country for lengthy periods against their will. The authorities sometimes confiscated the passports of suspected oppositionists and their families.

Citizens may emigrate. The Government prohibited dual citizenship; however, children who hold other citizenship by virtue of birth abroad increasingly were permitted to leave the country using non-Saudi passports. Apart from marriage to a citizen, there were no provisions for foreign residents to acquire citizenship. Children born to a citizen father acquired Saudi citizenship. However, a citizen mother may not convey citizenship to her children. Foreigners were granted citizenship in rare cases, generally through the advocacy of an influential patron.

The law does not provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Basic Law provides that "the state will grant political asylum if the public interest militates in favor of it." The law does not specify clear rules for adjudicating asylum cases, and does not provide for first asylum. In general the authorities regarded refugees and displaced persons similarly as they did foreign workers. They must have sponsors for employment or risk expulsion. Of the 33,000 Iraqi civilians and former prisoners of war allowed refuge in the country at the end of the Gulf War, none have been granted permanent asylum. Nevertheless, the Government cooperated with the United Nations High Commissioner for Refugees (UNHCR). It has underwritten the entire cost of providing safe haven to the Iraqi refugees and continued to provide logistical and administrative support to the UNHCR and other resettlement agencies. At year's end, approximately 27,000 of the original 33,000 Iraqi refugees had been resettled in other countries or voluntarily repatriated to Iraq. Most of the approximately 5,200 remaining refugees were restricted to the Rafha Refugee Camp. At year's end, following the visit to the Rafha Refugee Camp by the

UNCHR, efforts were still being made to find asylum for approximately 3,000 refugees who wished to leave the camp but not return to Iraq. According to the UNHCR, the Government has agreed that the remaining 2,200 be given continuing refuge and possible employment in the area until they could be repatriated safely to Iraq. In October the United Nations High Commissioner for Refugees visited the Rafha camp and later reported that during his visit, the refugees staged a peaceful protest and complained about the lack of freedom, movement, and prospects for the future. The UNHCR has monitored more than 3,000 persons voluntarily returning to Iraq from Rafha since December 1991 and found no evidence of forcible repatriation (*see* Section 1.c.).

The Government has allowed some foreigners to remain temporarily in the country in cases in which their safety would be jeopardized if they were deported to their home countries.

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

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

Citizens did not have the right to change their government. There were no formal democratic institutions, and only a few members of the ruling family had a voice in the choice of leaders or in changing the political system. The King ruled on civil and religious matters within certain limitations established by religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders.

The King is also the Prime Minister, and the Crown Prince served as Deputy Prime Minister. The King appointed all other ministers, who in turn appointed subordinate officials with cabinet concurrence. In 1992 the King appointed 60 members to a Consultative Council, or Majlis Ash-Shura. This strictly advisory body began to hold sessions in 1993. In 1997 and again in May the King expanded the membership of the Council; it has 120 members plus its chairman. There were two Shi'as on the Council. The Council engaged in debates that, while closed to the general public, provided advice and views occasionally contrary to the Government's proposed policy or recommended course of action. The Government usually incorporated the Majlis' advice into its final policy announcements or tried to convince it why the Government's policy was correct. In November the Majlis Ash-Shura publicly announced that it wanted to play more than its limited advisory role. The Majlis sought to have more power to cope with modern developments and to make it more effective. However, also in November, local press reported a meeting in which the governors and the Minister of Interior of the country's regions signaled a reaffirmation of royal power. All but 1 of the country's 13 governors are either sons or grandsons of King Abdulaziz, the founder of the country.

The Council of Senior Islamic Scholars (ulema) is another advisory body to the King and the Cabinet. It reviews the Government's public policies for compliance with Shari'a. The Government viewed the Council as an important source of religious legitimacy and takes the Council's opinions into account when promulgating legislation.

Communication between citizens and the Government usually was expressed through client-patron relationships and by affinity groups such as tribes, families, and professional hierarchies. In theory any male citizen or foreign national may express an opinion or a grievance at a majlis, an open-door meeting held by the King, a prince, or an important national or local official. However, as governmental functions have become more complex, time-consuming, and centralized, public access to senior officials became more restricted. Since the assassination of King Faisal in 1975, kings have reduced the frequency of their personal contacts with the public. However, in 2001 and during the year, Crown Prince Abdullah held a variety of meetings with citizens throughout the country. Ministers and district governors can be approached for discussion at a majlis.

Typical topics raised in a majlis include complaints about bureaucratic delay or insensitivity, requests for personal redress or assistance, and criticism of particular acts of government affecting family welfare. Broader "political" concerns—social, economic, or foreign policy—rarely were raised. Complaints about royal abuses of power were not entertained. In general journalists, academics, and businessmen believed that institutionalized avenues of domestic criticism of the regime were closed. Feedback was filtered through private personal channels and has affected various policy issues, including the Middle East peace process, youth unemployment, and the construction of new infrastructure.

The Committee for the Defense of Legitimate Rights (CDLR), established in 1993, and its rival faction, the Islamic Reform Movement, established in 1996, continued

to criticize the Government, using computers and fax transmissions to send newsletters from London to the country. Both were repressed by the Government and have no officially recognized existence.

Women played no formal role in government and politics and were actively discouraged from doing so. Participation by women in a majlis was restricted, although some women sought redress through female members of the royal family. On rare occasions, women have been called to advise members of the Majlis Ash-Shura in private, closed-door sessions.

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

There were no publicly active human rights groups, and the Government has made it clear that none critical of government policies would be permitted.

In October a U.N. Human Rights envoy visited the country at the invitation of the Government. The local press covered the visit of the U.N. Special Rapporteur as he reviewed the judicial system. The visit by the U.N. Human Rights envoy followed the Government-implementation of the new Saudi Criminal Procedural Bill of Rights. In the past, the Government also has announced publicly through the press, that it would welcome visits from other human rights groups, including Amnesty International and Human Rights Watch.

During the year, a citizen formerly imprisoned for his political views moved freely in the country trying to establish an NGO called Human Rights First-the Society For Protecting and Defending Human Rights in the Kingdom of Saudi Arabia. Representing a group of 12 citizens, the organizer petitioned senior government officials to allow the establishment of this first NGO.

The Government disagreed with internationally accepted definitions of human rights and viewed its interpretation of Islamic law as the only necessary guide to protect human rights. The Government generally ignored citations of government human rights abuses by international monitors or foreign governments and in the past has criticized such citations as attacks on Islam.

The Government maintained that the new Criminal Procedural law regarding rights of prisoners and punitive measures will address its obligations under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. In February the Government announced in the national press that it would establish two human rights commissions, one governmental and the other nongovernmental. In April, at the meeting of the Human Rights Commission in Geneva, the Government announced that it was in the final stages of establishing these commissions. The press also publicized that the Government had signed four out of six international human rights covenants and was planning to sign the remaining two soon. Since May there were no indications of the law's implementation for prisoners, especially victims of human rights abuses, held in government prisons.

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

There was legal and systemic discrimination based on sex. The law forbids discrimination based on race, but not nationality, although such discrimination occurs. The Government and private organizations cooperated in providing services for persons with disabilities; however, there is no legislation mandating public access. The Shi'a minority suffered social, legal, economic, and political discrimination (see section 2.c.). While rare, there were occasional reports that religious police have arrested and punished men for engaging in homosexual activity. Punishments included lashes, prison sentences, and deportation of expatriates.

Women.—Shari'a prohibits abuse and violence against all innocent persons, including women. The Government did not keep statistics on spousal abuse or other forms of violence against women. However, based on the information available regarding physical spousal abuse and violence against women, such violence and abuse appeared to be common problems. Hospital workers reported that many women were admitted for treatment of injuries that apparently resulted from spousal violence; hospitals now are required to report any suspicious injuries to authorities. A citizen may prevent his wife and any child or unmarried adult daughter from obtaining an exit visa to depart the country (*see* Section 2.d.).

Foreign embassies continued to receive many reports that employers abused foreign women working as domestic servants. Some embassies of countries with large domestic servant populations maintained safehouses to which their citizens may flee to escape work situations that included forced confinement, withholding of food, beating and other physical abuse, and rape. Often the reported abuse is at the hands of female citizens. During the year, the media reported more frequently on cases involving domestic abuse of women, servants, and children. However, in general the Government considered such cases to be family matters and did not inter-

vene unless charges of abuse were brought to its attention. It was almost impossible for foreign women to obtain redress in the courts due to the courts' strict evidentiary rules and the women and servants' own fears of reprisals. During the year, there were increasing reports of employers being punished for abuse of domestic servants. There were no private support groups or religious associations to assist such women.

By religious law and social custom, women have the right to own property and are entitled to financial support from their husbands or male relatives. However, women have few political or social rights and are not treated as equal members of society. There were no active women's rights groups. Women legally may not drive motor vehicles and are restricted in their use of public facilities when men are present. Women must enter city buses by separate rear entrances and sit in specially designated sections. Women risked arrest by the Mutawwa'in for riding in a vehicle driven by a male who was not an employee or a close male relative. Women were not admitted to a hospital for medical treatment without the consent of a male relative. By law and custom, women may not undertake domestic or foreign travel alone (*see* Section 2.d.). During the year, the Government began again to issue national identity cards to females, despite a national campaign by some religious conservatives against it. In November the press reported the Interior Minister as suggesting that it was not absolutely necessary that a male guardian accompany a woman applying for an ID as long as she could produce documentary evidence of her identity.

In public a woman was expected to wear an abaya (a black garment that covers the entire body) and also to cover her head and hair. The Mutawwa'in generally expected women from Arab countries, and other countries in Asia and Africa to comply more fully with local customs of dress than they do Western women; nonetheless, in recent years they have instructed Western women to wear the abaya and cover their hair and face. During the year, Mutawwa'in continued to admonish and harass women to wear their abayas and cover their hair.

Unlike in previous years, there were no reports during the year of government officials and ministries barring accredited female diplomats in the country from official meetings or placing other restrictions on them.

There is no law specifically prohibiting female genital mutilation (FGM), and it was practiced among some foreign workers from East Africa and the Nile Valley. It was not always clear whether the procedure occurred in the country or the workers' home countries.

Prostitution is illegal and did not appear to be a widespread problem.

Women also are subject to discrimination under Shari'a as interpreted in the country, which stipulates that daughters receive half the inheritance awarded to their brothers. While Shari'a provides women with a basis to own and dispose of property independently, women often are constrained from asserting such rights because of various legal and societal barriers, especially regarding employment and freedom of movement. In a Shari'a court, the testimony of one man equals that of two women (*see* Section 1.e.). Although Islamic law permits polygyny, with up to four wives, it is becoming less common due to demographic and economic changes. Islamic law enjoins a man to treat each wife equally. In practice such equality is left to the discretion of the husband. Some women participated in Al-Mesyar (or "short daytime visit") marriages, or what are described as "weekend marriages," in which the women relinquished their legal rights to financial support and nighttime cohabitation. Additionally, the husband was not required to inform his other wives of the marriage, and any children resulting from such a marriage have no inheritance rights. The Government placed greater restrictions on women than on men regarding marriage to noncitizens and non-Muslims (*see* Section 1.f.).

Women must demonstrate legally specified grounds for divorce, but men may divorce without giving cause. In doing so, men were required to pay immediately an amount of money agreed upon at the time of the marriage, which serves as a one-time alimony payment. Women who demonstrate legal grounds for divorce still were entitled to this alimony. If divorced or widowed, a Muslim woman normally may keep her children until they attain a specified age: 7 years for boys; 9 years for girls. Children over these ages are awarded to the divorced husband or the deceased husband's family. Numerous divorced foreign women continued to be prevented by their former husbands from visiting their children after divorce.

Women had access to free but segregated education through the university level. They constituted more than 58 percent of all university students, but were excluded from studying such subjects as engineering, journalism, and architecture. Men may study overseas; women may do so only if accompanied by a spouse or an immediate male relative.

Women made up approximately 14.6 percent of the formal citizen work force. Unemployment among women was approximately 15.8 percent. Saudi women report-

edly owned approximately 20 percent of the businesses, although they must deputize a male relative to represent them in financial transactions. Most employment opportunities for women were in education and health care. Despite limited educational opportunities in many professional fields, some female citizens were able to study abroad and return to work in professions such as architecture and journalism. Many foreign women worked as domestic servants and nurses.

Women who wished to enter nontraditional fields were subject to discrimination. Women may not accept jobs in rural areas if there are no adult male kin present with whom they may reside and who agree to take responsibility for them. Most workplaces in which women were present are segregated by gender. Frequently, contact with male supervisors or clients was allowed only by telephone or fax machine. According to the Ministry of Commerce, women were not eligible to be issued business licenses for work in fields that might require them to supervise foreign workers, interact with male clients, or deal on a regular basis with government officials. However, in hospital settings and in the energy industry, women and men worked together, and, in some instances, women supervised male employees. Some women and men continued to seek opportunities for women and to break down gender segregation. In May according to the press, the Justice Minister announced that the Government was considering opening the legal profession to women, but not allowing females to appear in court before judges.

During the year, the Government began to deal with discrimination based on gender when it responded to public outrage over the girls' school fire in Mecca by dissolving the separate Presidency for Girls' Education and incorporating women's education into the Ministry of Education, eliminating women's education from control of religious authorities. Increasingly, the press covered issues concerning women's rights and gender discrimination.

Children.—The Government provided all children with free education and medical care. Children were not subject to the strict social segregation faced by women although they were segregated by sex in schools, beginning at the age of 7; however, schools were integrated through the fourth grade in some areas. By age 9, most children were segregated by sex in school. In more general social situations, boys were segregated at the age of 12 and girls at the onset of puberty.

It was difficult to gauge the prevalence of child abuse, since the Government keeps no national statistics on such cases. Although in general the culture greatly prizes children, new studies by Saudi female doctors indicated that severe abuse and neglect of children appeared to be more widespread than previously reported. In February doctors, dentists, academics, and socially concerned citizens held a conference on the topic of Child Abuse, including physical abuse of women, and launched a nationwide campaign to raise public awareness. The press has also played an important role in beginning to raise national consciousness about the widespread problem. In February the Government announced that it is planning to establish a special unit within the Ministry of Labor and Social Affairs to address child abuse. This new governmental department will handle abuse at home and "protect women and children in particular from being subjected to mental and physical abuse by other family members."

Trafficking in children for forced begging persisted (*see* Sections 6.c. and 6.f.).

Persons with Disabilities.—The law provides hiring quotas for persons with disabilities. There is no legislation that mandates public accessibility; however, newer commercial buildings often include such access, as do some newer government buildings. The provision of government social services increasingly has brought persons with disabilities into the public mainstream. The Government and private charitable organizations cooperated in education, employment, and other services for persons with disabilities.

During the year the Government took a variety of steps promoting more rights and elimination of discrimination against persons with disabilities. In January the press publicized a study conducted by the National Project on Disability and Rehabilitation Research that found a total of 493,605 disabled persons in the country. Of that number, representing 4 percent of the population, 34 percent have some form of body disabilities and 30 percent have sight disabilities. In May the Government announced the formation of an endowment committee for handicapped children. In July the Government established a new supreme council to deal with the affairs of the disabled and the Crown Prince was named as chairman. In September the press announced a plan to open a chapter of Best Buddies International, an NGO to help persons with mental disabilities, which would be the first such operation in the country.

Foreign criminal rings reportedly bought and imported children with disabilities for the purpose of forced begging (*see* Sections 6.c. and 6.f.).

Police generally transported mentally ill persons found wandering alone in public to their families or a hospital. Police claimed that according to Islam, family members should be taking care of such individuals.

National/Racial/Ethnic Minorities.—Although racial discrimination is illegal, there was substantial societal prejudice based on ethnic or national origin. Foreign workers from Africa and Asia were subject to various forms of formal and informal discrimination and have the most difficulty in obtaining justice for their grievances. For example, pay scales for identical or similar labor or professional services were set by nationality such that two similarly qualified and experienced foreign nationals performing the same employment duties receive varied compensation based on their nationalities.

In November Crown Prince Abdullah issued a call for a national strategy to eliminate poverty. In a widely publicized visit to the homes of poor citizens living in dilapidated districts, the Crown Prince was quoted as saying, "we have to admit this problem and implement the strategy immediately." One week later, the Ministry of Labor and Social Affairs established an Anti-Poverty Fund and announced the formation of a strategy to tackle the problem.

Section 6. Worker Rights

a. The Right of Association.—The Government prohibited the establishment of labor unions; however, in April the Minister of Labor endorsed the plans announced in 2001 for the establishment of labor committees for citizens in local companies, including factories, having more than 100 employees. The aim will be the establishment of communication between employees and employers and the improvement of work standards in the workplace. In May the Ministry of Labor announced that it was continuing with its plans to establish labor committees in private establishments. The press reported that the Riyadh Chamber of Commerce and Industry held the first introductory meeting of labor committees. Ministry legal experts issued public statements denying foreign pressure to establish such labor committees. The labor committees are to consist of three to nine members, who would serve 3-year terms. The Government has no role in selecting the committee members; both management and workers will be represented. The committee may make recommendations to company management to improve work conditions, increase productivity, improve health and safety, and recommend training programs. The Ministry of Labor and Social Affairs may send a representative to attend committee meetings. A committee must provide a written report of its meetings to company management, which also will be transmitted to the Ministry. The Ministry may dissolve a labor committee if it violates regulations or threatens public security. Foreign workers may not form or become members of labor committees. No committees existed by year's end.

b. The Right to Organize and Bargain Collectively.—Collective bargaining was forbidden. Foreign workers comprised approximately two-thirds of the work force. There was no minimum wage; wages were set by employers and varied according to the type of work performed and the nationality of the worker (*see* Section 5).

Strikes were prohibited; however, in March more than 450 hospital cleaners at the Military Hospital in Riyadh staged a strike to protest a 2-month delay in payment of their salaries by the contracting company. They returned to work when the company officials agreed to pay 1 month's salary immediately and the other in the near future. In 2000 in Jeddah, foreign hospital, food processing, and construction workers who had not been paid staged strikes. In 1995 the U.S. Overseas Private Investment Corporation suspended coverage because of the Government's lack of compliance with internationally recognized worker rights standards.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Government prohibited forced or bonded labor pursuant to a royal decree that abolished slavery. Ratification of the International Labor Organization (ILO) Conventions 29 and 105, which prohibit forced labor, gives them the force of law. However, employers had significant control over the movements of foreign employees, which gave rise to situations that sometimes involved forced labor, especially in remote areas where workers were unable to leave their place of work.

In September the Ministry of Interior reported that the Government system of sponsorship of expatriate workers has come under national scrutiny. However, the Minister, however, said the Government is not yet ready to abrogate the current system of sponsorship until it has been fully studied and a better system for controlling the expatriate labor force has been presented and accepted.

Some sponsors prevented foreign workers from obtaining exit visas to pressure them to sign a new work contract or to drop claims against their employers for un-

paid salary (*see* Section 2.d.). Additionally, some sponsors refused to provide foreign workers with a "letter of no objection" that would allow them to be employed by another sponsor. The authorities in some cases forced maids fleeing abusive employment circumstances to return to their employers.

There were many reports of workers whose employers refused to pay several months, or even years, of accumulated salary or other promised benefits. Foreign workers with such grievances, except foreign domestic servants, had the right to complain before the labor courts, but few did so because of fear of deportation. The labor system was conducive to the exploitation of foreign workers because enforcement of work contracts was difficult and generally favors employers. Labor courts, while generally fair, may take many months to reach a final appellate ruling, during which time the employer may prevent the foreign laborer from leaving the country. An employer also may delay a case until a worker's funds are exhausted, and the worker is forced to return to his home country.

The law does not specifically prohibit forced or bonded labor by children. Nonetheless, with the rare exception of criminal begging rings, and the possible exceptions of family businesses, forced or bonded child labor did not occur (*see* Section 6.d.). In 1997 the Government attempted to eradicate forced child begging. Nevertheless, criminal rings consisting almost exclusively of foreigners have continued to buy and import South Asian and African children for the purpose of forced begging (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 13 years, which may be waived by the Ministry of Labor with the consent of the juvenile's guardian. There is no minimum age for workers employed in family-oriented businesses or in other areas that are construed as extensions of the household, such as farming, herding, and domestic service.

Children under the age of 18 may not be employed in hazardous or harmful industries, such as mining or industries employing power-operated machinery. While there is no formal government entity responsible for enforcing the minimum age for employment of children, the Ministry of Justice has jurisdiction and has acted as plaintiff in the few cases that have arisen against alleged violators. However, in general children played a minimal role in the work force.

In April the press publicized stories about the Mecca Municipality's efforts to end a child-labor racket in Mecca. The majority of child beggars are citizens, many of them girls with disabilities, according to an ILO study reported in the press in September. The new figures contrasted sharply with previous claims by the Ministry of Labor and Social Affairs that only 25 percent of the children begging were citizens. The Ministry has established special offices in both Mecca and Medina to combat the growing problem of child beggars.

The law does not prohibit specifically forced or bonded labor by children, but it was not a problem, with the rare exception of forced child begging rings, and possibly family businesses (*see* Section 6.c.). Reportedly, young boys of Saudi, Sudanese, South Asian, and Yemeni origin were used as jockeys in camel races.

e. Acceptable Conditions of Work.—There is no legal minimum wage. Labor regulations establish a 48-hour workweek at regular pay and allow employers to require up to 12 additional hours of overtime at time-and-a-half pay. Labor law provides for a 24-hour rest period, normally on Fridays, although the employer may grant it on another day. The average wage generally provides a decent standard of living for a worker and family.

The ILO has stated that the Government did not formulated legislation implementing the ILO Convention 100 on Equal Remuneration and that regulations that segregated work places by sex or limit vocational programs for women violated ILO Convention 111 on Discrimination in Employment and Occupation.

Workers risked losing employment if they remove themselves from hazardous work conditions.

Labor regulations require employers to protect most workers from job-related hazards and disease. However, foreign nationals reported frequent failures to enforce health and safety standards. Farmers, herdsmen, domestic servants, and workers in family-operated businesses were not covered by these regulations.

Some foreign nationals who have been recruited abroad have claimed that after their arrival in the country, they were presented with work contracts that specified lower wages and fewer benefits than originally promised. Other foreign workers reportedly have signed contracts in their home countries and later were pressured to sign less favorable contracts upon arrival. Some employees reported that at the end of their contract service, their employers refused to grant permission to allow them to return home. Foreign employees involved in disputes with their employers may find their freedom of movement restricted (*see* Section 2.d.). The labor laws, includ-

ing those designed to limit working hours and regulate working conditions, do not apply to foreign domestic servants, and such domestic servants may not seek the protection of the labor courts. There were credible reports that female domestic servants sometimes were forced to work 16 to 20 hours per day 7 days per week. There were numerous confirmed reports of maids fleeing employers and seeking refuge in their embassies (*see* Section 5). Foreign embassies continued to receive reports of employers abusing domestic servants. Such abuse included withholding of food, beatings and other physical abuse, and rape (*see* Section 5). The Government's figures for 1999 stated that 7,000 maids fled their place of employment, and the actual number presumably was higher. In 2001 the media reported additional stories of such incidents. The authorities in some cases forced such maids to return to their places of employment.

The ongoing campaign to remove illegal immigrants from the country has done little to Saudiize the economy because illegal immigrants largely worked in low-income positions, which most citizens considered unsuitable. The Government carried out the campaign by widely publicizing its enforcement of existing laws against illegal immigrants and citizens employing or sponsoring illegal immigrants. Since 1999 as many as 1.1 million persons departed or were deported for violating residence and labor laws, under the terms of a 1997 amnesty, which allows illegal immigrants and their employers or sponsors to avoid the possibility of prosecution by voluntarily seeking expeditious repatriation.

The effect of the expeditious repatriation of some illegal immigrants and the legalization of others has been to improve overall working conditions for legally employed foreigners. Illegal immigrants generally were willing to accept lower salaries and fewer benefits than legally employed immigrants. The departure or legalization of illegal workers reduced the competition for certain jobs and thereby reduced the incentive for legal immigrants to accept lower wages and fewer benefits as a means of competing with illegal immigrants. Furthermore, their departure or legalization removed a large portion of the class of workers most vulnerable to abuse and exploitation because of their illegal status.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, the law prohibits slavery and the smuggling of persons into the country. In August the press reported that the Council of Ministers approved two international protocols on trafficking in persons, one that combats the smuggling of immigrants by land, sea, or air and the other that seeks to prevent trade in persons, especially women and children.

Criminal rings consisting almost exclusively of foreigners have bought and imported South Asian children, including children with disabilities, and women for the purpose of organized begging, particularly in the vicinity of the Grand Mosque in Mecca during Islamic holidays.

There were unconfirmed reports that women were trafficked into the country to work as prostitutes.

Among the millions of foreign workers in the country, some persons, particularly domestic workers, are defrauded by employment agencies or exploited by employers; some workers overstay their contracts and are exploited as they have few legal protections. Many foreign domestic servants fled work situations that included forced confinement, beating and other physical abuse, withholding of food, and rape. The authorities often forced domestic servants to return to their places of employment (*see* Sections 5 and 6.c.).

During the year, the Government acknowledged trafficking problems in terms of abuse of domestic servants, especially female expatriate workers. The press carried a number of stories on problems and issues related to abuse of maids and other domestic workers. The media campaign appeared to be an effort to begin raising national awareness about the problem. Government officials indicated that they wished to begin taking actions to counter the problems of trafficking, which involved abuse of expatriate domestic workers. The Ministry of Labor has formed an internal committee that is preparing an educational program to advise foreign domestic workers of their rights for recourse to authorities if they experience abuse or nonpayment of wages.

In October the Council of Ministers issued a mandate delegating the Ministry of Labor and Social Affairs as they overseer for all work visas, including seasonal labor. In November the Government granted a transition period of 6 months to the Labor Ministry to assume full responsibility for the granting of work visas to expatriates.

Also in November, the Government ordered that all private recruitment offices must adopt a standard commitment contract in their dealings with foreign recruit-

ers sending labor to the country. The press reported that the new labor contract would become mandatory December 19.

SYRIA

Syria is a republic under a military regime with virtually absolute authority in the hands of the President. Despite the existence of some institutions of democratic government, the President, with counsel from his ministers, high-ranking members of the ruling Ba'th Party, and a relatively small circle of security advisers, makes key decisions regarding foreign policy, national security, internal politics, and the economy. All three branches of government are influenced to varying degrees by leaders of the Ba'th Party, whose primacy in state institutions and the Parliament is mandated by the Constitution. The Parliament may not initiate laws but only assesses and at times modifies those proposed by the executive branch. The Constitution provides for an independent judiciary, but security courts are subject to political influence. The regular courts generally display independence, although political connections and bribery may influence verdicts.

The powerful role of the security services in government, which extends beyond strictly security matters, stems in part from the state of emergency that has been in place almost continuously since 1963. The Government justifies martial law because of the state of war with Israel and past threats from terrorist groups. Syrian Military Intelligence and Air Force Intelligence are military agencies, while General Security, State Security, and Political Security come under the purview of the Ministry of Interior. The branches of the security services operated independently of each other and outside the legal system. The security forces were under effective government control. Their members committed serious human rights abuses.

The population of the country was approximately 17 million. The economy was based on commerce, agriculture, oil production, and government services. Economic growth was hampered by the still dominant state role in the economy, a complex bureaucracy, overarching security concerns, endemic corruption, currency restrictions, a lack of modern financial services and communications, and a weak legal system.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens did not have the right to change their government. The Government used its vast powers to prevent any organized political opposition, and there have been very few antigovernment manifestations. Continuing serious abuses included the use of torture in detention; poor prison conditions; arbitrary arrest and detention; prolonged detention without trial; fundamentally unfair trials in the security courts; an inefficient judiciary that suffered from corruption and, at times, political influence; and infringement on privacy rights. The Government significantly restricted freedom of speech and of the press. Freedom of assembly does not exist under the law and the Government restricted freedom of association. The Government did not officially allow independent domestic human rights groups to exist; however, it permitted periodic meetings of unlicensed civil society forums throughout the year. The Government placed some limits on freedom of religion and freedom of movement. Proselytizing by groups it considered Zionist was not tolerated, and proselytizing in general was not encouraged. Violence and societal discrimination against women were problems. The Government discriminated against the stateless Kurdish minority, suppressed worker rights, and tolerated child labor in some instances.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings or other killings committed by government forces during the year.

In November 2000, a number of armed clashes occurred between Bedouin shepherds and Druze residents of Suwayda Province that required government military intervention to stop. Local press reported that between 15 and 20 Druze, Bedouin, and security forces personnel were killed (*see* Section 5). Some members of the security forces committed a number of serious human rights abuses. In its Annual Report, the Syrian Human Rights Commission stated that in 2001 and during the year three individuals died in detention (*see* Section 1.c.). The Government has not investigated previous deaths in detention.

b. Disappearance.—There were no new confirmed reports of politically motivated disappearances during the year. Because security forces often did not provide de-

tainees' families with information regarding their welfare or location, many persons who disappeared in past years are believed to be in long-term detention or to have died in detention. The number of new disappearances has declined in recent years, although this may be due to the Government's success in deterring opposition political activity rather than a loosening of the criteria for detention (*see* Section 1.d.).

Despite inquiries by international human rights organizations and foreign governments, the Government offered little new information on the welfare and whereabouts of persons who have been held incommunicado for years or about whom little is known other than the approximate date of their detention. The Government claimed that it has released all Palestinians and Jordanian and Lebanese citizens who reportedly were abducted from Lebanon during and after Lebanon's civil war. However, the Government's claim was disputed by Lebanese nongovernmental organizations (NGOs), Amnesty International (AI), and other international NGOs, as well as some family members of those who allegedly remain in the country's prisons (*see* Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Despite the existence of constitutional provisions and several Penal Code penalties for abusers, there was credible evidence that security forces continued to use torture, although to a lesser extent than in previous years. Former prisoners, detainees, and the London-based Syrian Human Rights Organization reported that torture methods included administering electrical shocks; pulling out fingernails; forcing objects into the rectum; beating, sometimes while the victim is suspended from the ceiling; hyperextending the spine; bending the detainees into the frame of a wheel and whipping exposed body parts; and using a chair that bends backwards to asphyxiate the victim or fracture the victim's spine. In 2001 AI published a report claiming that authorities at Tadmur Prison regularly tortured prisoners, or forced prisoners to torture each other. Although it occurs in prisons, torture was most likely to occur while detainees were being held at one of the many detention centers run by the various security services throughout the country, especially while the authorities were attempting to extract a confession or information.

The Government has denied that it uses torture and claims that it would prosecute anyone believed guilty of using excessive force or physical abuse. Past victims of torture have identified the officials who tortured them, up to the level of brigadier general. If allegations of excessive force or physical abuse are to be made in court, the plaintiff is required to initiate his own civil suit against the alleged abuser. Courts did not order medical examinations for defendants who claimed that they were tortured (*see* Section 1.e.). There were no substantiated allegations of torture during the year.

In 2000 the Government apprehended Raed Hijazi, accused of a terrorist plot targeting American and Israeli tourists in Jordan during the millennium celebrations, and sent him to Jordan to stand trial. According to media accounts of the trial, doctors for both the defense and the prosecution testified that Hijazi's body showed signs of having been beaten, but witnesses, including Hijazi, made contradictory and inconclusive claims regarding whether the alleged abuse occurred while he was in Jordanian or Syrian custody. The Jordanian court has rejected the allegations that Hijazi's confession was coerced. In February the Jordanian authorities sentenced Hijazi to death. He has appealed the decision but remained in custody at year's end pending a decision.

Prison conditions generally were poor and did not meet international standards for health and sanitation. However, there were separate facilities for men, women, and children. Pre-trial detainees, particularly those held for political or security reasons, were usually held separately from convicted prisoners. Facilities for political or national security prisoners generally were worse than those for common criminals.

At some prisons, authorities allowed visitation, but in other prisons, security officials demanded bribes from family members who wished to visit incarcerated relatives. Overcrowding and the denial of food occurred at several prisons. According to Human Rights Watch, prisoners and detainees were held without adequate medical care, and some prisoners with significant health problems reportedly were denied medical treatment. Some former detainees have reported that the Government prohibited reading materials, even the Koran, for political prisoners.

In 2001 the London-based Syrian Human Rights Commission reported that three detainees died in prison and that their remains bore evidence of torture and extreme medical neglect.

The Government did not permit independent monitoring of prison or detention center conditions, although diplomatic or consular officials were granted access in high profile cases.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention were significant problems. The Emergency Law, which authorizes the Government to conduct preventive arrests, overrides Penal Code provisions against arbitrary arrest and detention, including the need to obtain warrants. Officials contend that the Emergency Law is applied only in narrowly defined cases, and in January 2001, the regional press reported that the Information Minister claimed that the authorities had frozen "martial law." Nonetheless, in cases involving political or national security offenses, arrests often were carried out in secret. Suspects may be detained incommunicado for prolonged periods without charge or trial and are denied the right to a judicial determination regarding the pretrial detention. Some of these practices were prohibited by the state of emergency, but the authorities were not held to these strictures. Additionally, those suspected of political or national security offenses may be arrested and prosecuted under ambiguous and broad articles of the Penal Code, and subsequently tried in either the criminal or security courts, as occurred with the 10 civil society activists arrested in August and September 2001. During the year, two were tried and sentenced in criminal court and eight were tried and sentenced in secrecy in the Supreme State Security Court under the Emergency Law's authority. All were initially held incommunicado and in solitary confinement, though the criminal court trials and initial sessions of one of the other trials were open to the press and diplomats.

The Government detained relatives of detainees or of fugitives in order to obtain confessions or the fugitive's surrender (*see* Section 1.f.). The Government also threatened families or friends of detainees, at times with the threat of expulsion, to ensure their silence, to force them to disavow publicly their relatives, or to force detainees into compliance.

Defendants in civil and criminal trials had the right to bail hearings and the possible release from detention on their own recognizance. Bail was not allowed for those accused of state security offenses. Unlike defendants in regular criminal and civil cases, security detainees did not have access to lawyers prior to or during questioning.

Detainees had no legal redress for false arrest. Security forces often did not provide detainees' families with information regarding their welfare or location while in detention. Consequently many persons who have disappeared in past years are believed to be in long-term detention without charge or possibly to have died in detention (*see* Section 1.b.). Many detainees brought to trial have been held incommunicado for years, and their trials often have been unfair (*see* Section 1.e.). In the past, there were reliable reports that the Government did not notify foreign governments when their citizens were arrested or detained.

Pretrial detention may be lengthy, even in cases not involving political or national security offenses. The criminal justice system is backlogged. Many criminal suspects were held in pretrial detention for months and may have their trials extended for additional months. Lengthy pretrial detention and drawn-out court proceedings are caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea bargaining (*see* Section 1.e.).

In May 2001, the Government released prominent political prisoner Nizar Nayyuf, who had been imprisoned since 1992 for founding an unlawful organization, disseminating false information, and undermining the Government; he immediately was placed under house arrest. In June 2001, the Government allowed Nayyuf to leave the country for medical treatment. In September 2001, Nayyuf was summoned to appear before an investigating court to respond to a complaint against him filed by Ba'th party lawyers for "inciting confessionalism, attempting to illegally change the Constitution, and publishing false reports abroad." Nayyuf had not returned by year's end. The NGO Reporters Without Borders (RSF) claimed that the Government harassed and intimidated members of Nayyuf's family following the issuance of the summons. The Government reportedly fired two members of his immediate family from their jobs. The municipality threatened to expel members of Nayyuf's family if they did not disavow publicly his statements (*see* Section 4).

In August 2001, the Government arrested independent Member of Parliament Ma'mun Humsi during his hunger strike protesting official corruption, the excessive powers of the security forces, and the continuation of the Emergency Law. In a departure from previous practice, the Interior Ministry issued a statement justifying Humsi's arrest under Penal Code articles dealing with crimes against state security (*see* Section 3). In September 2001, the Government detained independent Member of Parliament Riad Seif shortly after Seif reactivated his unlicensed political discussion forum. The principal charge against both individuals was attempting to illegally change the Constitution (*see* Section 3). In March and April, Humsi and Seif were convicted in criminal court of attempting to change the Constitution illegally and each sentenced to 5 years in prison (*see* Section 1.e.).

In September 2001, the Government detained prominent political activist and longtime detainee Riad al-Turk for violations of Penal Code articles dealing with crimes against state security, after al-Turk made derogatory public comments about late President Hafiz al-Asad. In June Al-Turk was convicted in closed Supreme State Security Court of attempting to change the Constitution illegally and sentenced to 30 months in prison (*see* Section 1.e.). On November 16, President Asad ordered Al-Turk released on humanitarian grounds.

In September 2001, the Government detained seven additional prominent human rights activists who had issued statements in support of Humsi, Seif, and al-Turk. The Government reportedly charged the seven activists under Penal Code articles dealing with crimes against state security (*see* Section 2.a.). Although all of the 10 civil society activists were arrested for Penal Code violations, only Humsi and Seif were tried in criminal court while all the others were tried in the Supreme State Security Court under the authority of the Emergency Law (*see* Section 1.e.).

At year's end, the leaders of the Turkomen who reportedly were detained without charge in 1996, remained in detention.

In 1999 and 2000, there were reports of arrests of hundreds of Syrian and Palestinian Islamists. Most of those arrested reportedly were released after signing an agreement not to participate in political activities; however, some may remain in detention. At year's end, there were no new reports on those detained. There were no credible reports that the Government arrested Islamists on political charges during the year.

There were no reports of the arrests of minors on political charges during the year.

In January 2001, the Jordanian press reported the release from Syrian jails of six Jordanian prisoners of Palestinian origin, who had been imprisoned for membership in Palestinian organizations. Between May and July 2000, there were unconfirmed reports that a large number of Jordanian prisoners were released. However, according to AI, only three of the Jordanians released in 2000 had been held for political reasons.

In March 2001, Syrian intelligence officials in Lebanon arrested three Syrian Druze men who had converted to Christianity, possibly on suspicion of membership in Jehovah's Witnesses. The men were released after 2 months.

In July and August 2001, there were unconfirmed regional press reports that approximately 500 political detainees were moved from Tadmur Prison to Saydnaya Prison in preparation for the eventual closing of Tadmur. In 2000 the Government also closed the Mazzah prison, which reportedly held numerous prisoners and detainees. In August, AI reported the release of Communist Action Party member Haytham Na'al after 27 years in prison.

In 2000 the Government declared an amnesty for 600 political prisoners and detainees and a general pardon for some nonpolitical prisoners. The highly publicized amnesty was the first time the Government acknowledged detention of persons for political reasons. There were no credible reports of transfers of political prisoners during the year.

Most of those arrested during crackdowns in the 1980s, in response to violent attacks by the Muslim Brotherhood, have been released; however, some may remain in prolonged detention without charge. Some union and professional association officials detained in 1980 may remain in detention (*see* Sections 2.b. and 6.a.).

The number of remaining political detainees is unknown. In June 2000, prior to the November 2000 prison amnesty, Amnesty International estimated that there were approximately 1,500 political detainees; many of the detainees reportedly were suspected supporters of the Muslim Brotherhood and the pro-Iraqi wing of the Ba'th party. There also were Jordanian, Lebanese, and Palestinian political detainees. Estimates of detainees are difficult to confirm because the Government does not verify publicly the number of detentions without charge, the release of detainees or amnestied prisoners, or whether detainees subsequently are sentenced to prison (*see* Section 1.e.).

Former prisoners were subject to a so-called "rights ban," which begins from the day of sentencing and lasts until 7 years after the expiration of the sentence, in the case of felony convictions. Persons subject to this ban are not allowed to vote, run for office, or work in the public sector; they often also are denied passports.

The Constitution prohibits exile; however, the Government has exiled citizens in the past. The Government refused to reissue the passports of citizens who fled the country in the 1980s; such citizens consequently are unable to return to the country.

There were no known instances of forced exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, but the two exceptional courts dealing with cases of alleged national security violations were not independent of executive branch control. The regular court sys-

tem generally displayed considerable independence in civil cases, although political connections and bribery at times influenced verdicts.

The judicial system is composed of the civil and criminal courts, military courts, security courts, and religious courts, which adjudicate matters of personal status such as divorce and inheritance (*see* Section 5). The Court of Cassation is the highest court of appeal. The Supreme Constitutional Court is empowered to rule on the constitutionality of laws and decrees; it does not hear appeals.

Civil and criminal courts are organized under the Ministry of Justice. Defendants before these courts were entitled to the legal representation of their choice; the courts appoint lawyers for indigents. Defendants were presumed innocent; they are allowed to present evidence and to confront their accusers. Trials are public, except for those involving juveniles or sex offenses. Defendants may appeal their verdicts to a provincial appeals court and ultimately to the Court of Cassation. Such appeals are difficult to win because the courts do not provide verbatim transcripts of cases—only summaries prepared by the presiding judges. There are no juries.

Military courts have the authority to try civilians as well as military personnel. A military prosecutor decides the venue for a civilian defendant. There have been reports that the Government operates military field courts in locations outside established courtrooms. Such courts reportedly observed fewer of the formal procedures of regular military courts.

In September a military court charged lawyer and Chairman of the Syrian Human Rights Committee, Haytham al-Maleh, and three of his associates in abstentia for spreading false news outside of the country, belonging to a political association of an international nature without government approval, and publishing material that causes sectarian friction.

The two security courts are the Supreme State Security Court (SSSC), which tries political and national security cases, and the Economic Security Court (ESC), which tried cases involving financial crimes. Both courts operated under the state of emergency, not ordinary law, and did not observe constitutional provisions safeguarding defendants' rights.

Charges against defendants in the SSSC often were vague. Many defendants appeared to be tried for exercising normal political rights, such as free speech. For example, the Emergency Law authorizes the prosecution of anyone "opposing the goals of the revolution," "shaking the confidence of the masses in the aims of the revolution," or attempting to "change the economic or social structure of the State." Nonetheless, the Government contends that the SSSC tries only persons who have sought to use violence against the State.

Under SSSC procedures, defendants are not present during the preliminary or investigative phase of the trial, during which the prosecutor presents evidence. Trials usually were closed to the public. Lawyers were not ensured access to their clients before the trial and were excluded from the court during their client's initial interrogation by the prosecutor. Lawyers submitted written defense pleas rather than oral presentations. The State's case often was based on confessions, and defendants have not been allowed to argue in court that their confessions were coerced. There was no known instance in which the court ordered a medical examination for a defendant who claimed that he was tortured. The SSSC reportedly has acquitted some defendants, but the Government did not provide any statistics regarding the conviction rate. Defendants do not have the right to appeal verdicts, but sentences are reviewed by the Minister of Interior, who may ratify, nullify, or alter them. The President also may intervene in the review process.

Accurate information regarding the number of cases heard by the SSSC was difficult to obtain, although hundreds of cases were believed to pass through the court annually. Many reportedly involved charges relating to membership in various banned political groups, including the Party of Communist Action and the pro-Iraqi wing of the Ba'th Party. Sentences as long as 15 years have been imposed in the past. Since 1997 there have been no visits by human rights NGOs to attend sessions of the SSSC (*see* Section 4).

The 10 civil society activists arrested in August and September 2001 were tried in criminal and state security courts. In February independent Parliamentarians Mamun Humsi and Riyad Seif were tried in criminal court proceedings that were open, for the first time, to foreign observers and the press. AI noted that their parliamentary immunity was lifted without due attention to the procedures established by law. Humsi and Seif were denied confidential access to their lawyers throughout their detention and observers noted a number of procedural irregularities during the trials. In March and April, respectively, the Government sentenced Humsi and Seif to 5 years' imprisonment each for attempting to change the constitution illegally and inciting racial and sectarian strife.

During the year, the eight other civil society activists arrested in August and September 2001 were tried in secrecy by the Supreme State Security Court under authority of the Emergency Law. Only the first session of former political prisoner Riad al-Turk's trial was open to the media and international observers. Al-Turk was sentenced to 30 months for attempting to change the Constitution illegally but was released by presidential decree in November (*see* Section 1.d.). Lawyer and member of Seif and Humsi's defense team, Habib Issa, and physician and cofounder of the Syrian Human Rights Society, Walid al-Buni, were each sentenced to 5 years in prison for attempting to change the Constitution illegally. Economist and regime critic Arif Dalila was sentenced to up to 10 years for the same offense. Civil society activist Habib Saleh received a 3-year sentence for opposing the objectives of the revolution and inciting ethnic and sectarian strife. Hassan Sa'dun, physician and member of the Committee for the Defense of Human Rights, Kamal al-Labwani, and engineer Fawaz Tillu were sentenced respectively to 2, 3, and 5 years in prison for instigating armed mutiny against the Government (*see* Sections 1.d., 2.a., and 3).

The ESC tried persons for alleged violations of foreign exchange laws and other economic crimes. The prosecution of economic crimes was not applied uniformly. Like the SSSC, the ESC did not ensure due process for defendants. Defendants were not provided adequate access to lawyers to prepare their defenses, and the State's case usually was based on confessions. High-ranking government officials may influence verdicts. Those convicted of the most serious economic crimes do not have the right of appeal, but those convicted of lesser crimes may appeal to the Court of Cassation. The Economic Penal Code allowed defendants in economic courts to be released on bail. The bail provision does not extend to those accused of forgery, counterfeiting, or auto theft; however, the amendment is intended to provide relief for those accused of other economic crimes, many of whom have been in pretrial detention for long periods of time. These amendments to the Economic Penal Code also limit the categories of cases that can be tried in the ESC. In November 2001, the Government approved a general pardon for nonpolitical prisoners and a reduction of sentences by one-third for persons convicted of economic crimes, with a provision to commute sentences entirely for persons who return embezzled funds to investors within 1 year of the law's effective date.

At least two persons arrested when late President Asad took power in 1970 may remain in prison, despite the expiration of one of the prisoners' sentences.

The Government in the past denied that it held political prisoners, arguing that although the aims of some prisoners may be political, their activities, including subversion, were criminal. The official media reported that the 600 beneficiaries of the November 2000 amnesty were political prisoners and detainees; this reportedly was the first time that the Government acknowledged that it held persons for political reasons. Nonetheless, the Emergency Law and the Penal Code are so broad and vague, and the Government's power so sweeping, that many persons were convicted and are in prison for the mere expression of political opposition to the Government. The Government's sentencing of 10 prominent civil society and human rights activists for "crimes of state security" represented a retreat from recent modest attempts at political liberalization (*see* Sections 1.d. and 2.a.).

The exact number of political prisoners was unknown. Unconfirmed regional press reports estimated the total number of political prisoners at between 400 and 600. In April 2001, a domestic human rights organization estimated the number to be nearly 800, including approximately 130 belonging to the Islamic Liberation Party, 250 members and activists associated with the Muslim Brotherhood, 150 members of the pro-Iraq wing of the Ba'th Party, and 14 Communists. In its report for the year, the Syrian Human Rights Committee estimated that there were approximately 4,000 political prisoners still in detention.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Although laws prohibit such actions, the Emergency Law authorizes the security services to enter homes and conduct searches without warrants if security matters, very broadly defined, are involved. The security services selectively monitored telephone conversations and fax transmissions. The Government opened mail destined for both citizens and foreign residents. It also prevented the delivery of human rights materials (*see* Section 2.a.).

The Government continued its practice of threatening or detaining the relatives of detainees or of fugitives in order to obtain confessions, minimize outside interference, or prompt the fugitive's surrender (*see* Section 1.d.). There have been reports that security personnel force prisoners to watch relatives being tortured in order to extract confessions. According to AI, security forces also detained family members of suspected oppositionists (*see* Section 1.d.).

In the past, the Government and the Ba'th Party monitored and attempted to restrict some citizens' visits to foreign embassies and cultural centers.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the right to express opinions freely in speech and in writing, but the Government restricted these rights significantly in practice. The Government strictly controlled the dissemination of information and permitted little written or oral criticism of President Asad, his family, the Ba'th Party, the military, or the legitimacy of the Government. The Government also did not permit sectarian issues to be raised. Detention and beatings for individual expressions of opinion that violate these unwritten rules at times occurred. The Government also threatened activists to attempt to control their behavior. In January 2001, novelist Nabil Sulayman was attacked outside his apartment in Latakia. Some observers believed the attack was a message from the Government to civil society advocates to moderate their pressure for reform. The attack came just after Information Minister Adnan 'Umran publicly criticized civil society advocates.

In a speech in February 2001, President Asad explicitly criticized civil society advocates as elites "from outside" who wrongly claim to speak for the majority and said that openness would only be tolerated as long as it "does not threaten the stability of the homeland or the course of development." The Government required all social, political, and cultural forums and clubs to obtain advance official approval for meetings, to obtain approval for lecturers and lecture topics, and to submit lists of all attendees (*see* Section 2.b.). During the year, several unapproved forums met, which while technically unhindered, were under government observation.

In January 2001, the regional press reported on a "Group of 1,000" intellectuals that issued a statement calling for more comprehensive reforms than those demanded by a group of 99 intellectuals in September 2000. The group's statement called for lifting martial law, ending the state of emergency that has been in effect since 1963, releasing political prisoners, and expanding civil liberties in accordance with the provisions of the Constitution. Although the Government did not take action immediately against any of the signatories, in September 2001 it detained seven prominent human rights figures, reportedly charging them under articles in the Penal Code dealing with crimes against state security. A number of those detained were signatories of the "Group of 1,000" petition. The Government tried the 10 civil society and human rights activists in criminal and state security courts and sentenced them to 2 to 10 years in prison for crimes against state security (*see* Section 1.e.). In December 2000, a local human rights organization published an open letter in a Lebanese newspaper calling for the closure of the notorious Tadmur Prison.

The Emergency Law and Penal Code articles dealing with crimes against state security allow the Government broad discretion in determining what constitutes illegal expression. The Emergency Law prohibits the publication of "false information", which opposes "the goals of the revolution" (*see* Section 1.e.). Penal Code articles prohibit "attempting to illegally change the Constitution," "preventing authorities from executing their responsibilities," and "acts or speech inciting confessionalism." In August 2001, the Government amended the Press Law to permit the reestablishment of publications that were circulated prior to 1963 and established a framework in which the National Front Parties, as well as other approved private individuals and organizations, would be permitted to publish their own newspapers. However, the same amendments also stipulated imprisonment and stiff financial penalties as part of broad, vague provisions prohibiting the publication of "inaccurate" information, particularly if it "causes public unrest, disturbs international relations, violates the dignity of the state or national unity, affects the morale of the armed forces, or inflicts harm on the national economy and the safety of the monetary system." Persons found guilty of publishing such information were subject to prison terms ranging from 1 to 3 years and fines ranging from $10,000 to $20,000 (500,000 to 1 million Syrian pounds). The amendments also imposed strict punishments on reporters who do not reveal their government sources in response to government requests. Critics claimed that the amendment would increase self-censorship by journalists, and that it strengthened, rather than relaxed, restrictions on the press.

The Government imprisoned journalists for failing to observe press restrictions. Official media reported that journalist Ibrahim Hamidi was arrested on December 23 on charges of "publishing unfounded news," a violation of Article 51 of the 2001 Publication Law. Although the announcement did not specify the violation, it was believed to be a December 20 article in the London-based al-Hayat discussing the Government's contingency planning for possible hostilities in Iraq. At year's end, Hamidi still was detained by authorities and denied contact with his family. State security services were known to threaten local journalists, including with the removal of credentials, for articles printed outside the country. In April and May the

Government refused to renew the press credentials and/or residency permits of several journalists for reasons including "ill-intentioned reporting" and "violating the rules for accrediting correspondents and the tradition of the profession of journalism."

The Ministry of Information and the Ministry of Culture and National Guidance censored domestic and imported foreign press. They usually prevent the publication or distribution of any material deemed threatening or embarrassing by the security services to high levels of the Government. Censorship usually was stricter for materials in Arabic. Commonly censored subjects included: The Government's human rights record; Islamic fundamentalism; allegations of official involvement in drug trafficking; aspects of the Government's role in Lebanon; graphic descriptions of sexual activity; material unfavorable to the Arab cause in the Middle East conflict; and material that was offensive to any of the country's religious groups. In addition most journalists and writers practiced self-censorship to avoid provoking a negative government reaction.

There were several new private publications in 2000 and 2001, but only one appeared during this year. In January 2001, the Government permitted publication of the National Progressive Front's (NPF) Communist Party newspaper, The People's Voice. It became the first private paper distributed openly since 1963. In February 2001, the Government permitted publication of the NPF's Union Socialist Party's private newspaper, The Unionist. Also in February 2001, the Government permitted the publication of a private satirical weekly newspaper, The Lamplighter, which criticized politically nonsensitive instances of government waste and corruption. In June 2001, the Government permitted the publication of the private weekly newspaper The Economist, which was critical of the performance of the Government.

In his July 2000 inaugural speech, President Bashar Al-Asad emphasized the principle of media transparency. Since July 2000, both the print and electronic media at times have been critical of Ba'th Party and government performance and have reported openly on a range of social and economic issues. While this relaxation of censorship did not extend to domestic politics or foreign policy issues, it was a notable departure from past practice. Some Damascus-based correspondents for regional Arab media also were able to file reports on internal political issues, such as rumored governmental changes, new political discussion groups, and the possible introduction of new parties to the Ba'th Party-dominated National Progressive Front.

The media continued to broaden somewhat their reporting on regional developments, including the Middle East peace process. The media covered some peace process events factually, but other events were reported selectively to support official views. The Government-controlled press increased its coverage of official corruption and governmental inefficiency. A few privately owned newspapers published during the year; foreign-owned, foreign-published newspapers continued to circulate relatively freely.

The Government or the Ba'th Party owned and operated the radio and television companies and most of the newspaper publishing houses. The Ministry of Information closely monitored radio and television news programs to ensure adherence to the Government line. The Government did not interfere with broadcasts from abroad. Satellite dishes have proliferated throughout all regions and in neighborhoods of all social and economic categories, and in 2001 the Minister of Economy and Foreign Trade authorized private sector importers to import satellite receivers and visual intercommunication systems.

The Ministry of Culture and National Guidance censored fiction and nonfiction works, including films. It also approved which films may or may not be shown at the cultural centers operated by foreign embassies. The Government prohibited the publication of books and other materials in Kurdish; however, there were credible reports that Kurdish language materials were available in the country (*see* Section 5).

In 2000 cellular telephone service was introduced although its high cost severely limited the number of subscribers. Internet access and access to e-mail was limited but growing. The Government blocked access to selected Internet sites that contained information deemed politically sensitive or pornographic in nature. The Government also consistently blocked citizens' access to servers that provide free e-mail services. The Government has disrupted telephone services to the offices and residences of several foreign diplomats, allegedly because the lines were used to access Internet providers outside the country.

The Government restricted academic freedom. Public school teachers were not permitted to express ideas contrary to government policy, although authorities allowed somewhat greater freedom of expression at the university level.

b. Freedom of Peaceful Assembly and Association.—Freedom of assembly does not exist under the law. Citizens may not hold demonstrations unless they obtain permission from the Ministry of Interior. Most public demonstrations were organized by the Government or the Ba'th Party. The Government selectively permitted some demonstrations, usually for political reasons. The Government applied the restrictions on public assembly in Palestinian refugee camps, where controlled demonstrations have been allowed.

During the year there continued to be numerous demonstrations, most of which were permitted or organized by the Government, and some of which were directed against diplomatic missions and international agencies in reaction to the Israeli government's use of force against Palestinians in Israel, the West Bank, and Gaza.

In 2000 there were large demonstrations in Suwayda province following violent clashes between Bedouin shepherds and Druze residents of the province (*see* Sections 1.a. and 5).

The Government restricted freedom of association. During the year, it required private associations to register with authorities and denied several such requests, presumably on political grounds. The Government usually granted registration to groups not engaged in political or other activities deemed sensitive. The Government required political forums and discussion groups to obtain prior approval to hold lectures and seminars and to submit lists of all attendees. Despite these restrictions, during the year several domestic human rights and civil society groups held meetings without registering with the Government or obtaining prior approval for the meetings.

The authorities did not allow the establishment of independent political parties (*see* Section 3).

The Government sentenced 10 human rights activists who had called for the expansion of civil liberties and organized public dialogue to lengthy prison stays for committing crimes against state security (*see* Sections 1.d. and 2.a.).

In 1980 the Government dissolved, and then reconstituted under its control, the executive boards of professional associations after some members staged a national strike and advocated an end to the state of emergency. The associations have not been independent since that time and generally are led by members of the Ba'th Party, although nonparty members may serve on their executive boards. At year's end, there was no new information on whether any persons detained in 1980 crackdowns on union and professional association officials remained in detention (*see* Sections 1.d. and 6.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, it imposed restrictions in some areas. The Constitution requires that the President be a Muslim. There is no official state religion; Sunni Muslims constitute the majority of the population.

All religions and orders must register with the Government, which monitors fund raising and requires permits for all meetings by religious groups, except for worship. There is a strict separation of religious institutions and the state. Religious groups tended to avoid any involvement in internal political affairs. The Government in turn generally refrained from becoming involved in strictly religious issues.

The Government considers militant Islam a threat and follows closely the practice of its adherents. The Government has allowed many new mosques to be built; however, sermons are monitored and controlled, and mosques are closed between prayers.

In 1999 and 2000, there were large-scale arrests, and torture in some cases, of Syrian and Palestinian Islamists affiliated with the Muslim Brotherhood and the Islamic Salvation Party (*see* Sections 1.c. and 1.d.).

Officially all schools are government run and nonsectarian, although some schools are run in practice by Christian, Druze, and Jewish minorities. There is mandatory religious instruction in schools, with government-approved teachers and curriculums. Religion courses are divided into separate classes for Muslim, Druze, and Christian students. Although Arabic is the official language in public schools, the Government permits the teaching of Armenian, Hebrew, Syriac (Aramaic), and Chaldean in some schools on the basis that these are "liturgical languages."

Religious groups are subject to their respective religious laws on marriage, divorce, child custody, and inheritance (*see* Section 5).

Government policy officially disavows sectarianism of any kind. However, in the case of Alawis, religious affiliation can facilitate access to influential and sensitive posts. For example, members of the President's Alawi sect hold a predominant position in the security services and military, well out of proportion to their percentage of the population, estimated at 12 percent (*see* Section 3).

For primarily political rather than religious reasons, the less than 100 Jews remaining in the country generally are barred from government employment and do not have military service obligations. Jews are the only religious minority group whose passports and identity cards note their religion.

There generally was little societal discrimination or violence against religious minorities, including Jews.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government limited freedom of movement. The Government restricted travel near the Golan Heights. Travel to Israel was illegal. Exit visas generally no longer were required for women, men over 50 years old, and citizens living abroad. Individuals have been denied permission to travel abroad on political grounds, although government officials deny that this practice occurs. The authorities may prosecute any person found attempting to emigrate or to travel abroad illegally, or who has been deported from another country, or who is suspected of having visited Israel. Women over the age of 18 have the legal right to travel without the permission of male relatives. However, a husband or a father may file a request with the Ministry of Interior to prohibit his wife or daughter's departure from the country (*see* Section 5). Security checkpoints continued, although primarily in military and other restricted areas. There were few police checkpoints on main roads and in populated areas. Generally the security services set up checkpoints to search for smuggled goods, weapons, narcotics, and subversive literature. The searches took place without warrants.

The Government has refused to recognize the citizenship of or to grant identity documents to some persons of Kurdish descent. Their lack of citizenship or identity documents restricts them from traveling to and from the country (*see* Section 5). Emigres who did not complete mandatory military service may pay a fee to avoid being conscripted while visiting the country.

As of June, 401,185 Palestinian refugees were registered with the U.N. Relief and Works Agency (UNRWA) in the country. In general Palestinian refugees no longer report unusual difficulties travelling in and out of the country, as has been the case in the past. The Government restricted entry by Palestinians who were not resident in the country.

Citizens of Arab League countries may enter the country without a visa for a stay of up to 3 months, a period that is renewable on application to government authorities. Residency permits require proof of employment and a fixed address in the country.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government cooperates on a case-by-case basis with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum but is selective about extending protection to refugees; 2,260 persons sought asylum during the year. Although the Government denied that it forcibly repatriated persons with a valid claim to refugee status, it apparently did so in the past. In September there were 3,018 non-Palestinian refugees in the country, all of whom were receiving assistance from the UNHCR, including 1,812 refugees of Iraqi origin.

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

Although citizens vote for the President and Members of Parliament, they did not have the right to change their government. The late President Hafiz Al-Asad was confirmed by unopposed referenda five times after taking power in 1970. His son, Bashar Al-Asad, also was confirmed by an unopposed referendum in July 2000. The Government is headed by a Cabinet, which the President has the discretion to change. Political opposition to the President is vigorously suppressed. The President and his senior aides, particularly those in the military and security services, ultimately make most basic decisions in political and economic life, with a very limited degree of public accountability. Moreover the Constitution mandates that the Ba'th Party is the ruling party and is ensured a majority in all government and popular associations, such as workers' and women's groups. Six smaller political parties are permitted to exist and, along with the Ba'th Party, make up the National Progressive Front (NPF), a grouping of parties that represents the sole framework of legal political party participation for citizens. While created to give the appearance of a multiparty system, the NPF is dominated by the Ba'th Party and does not change the essentially one-party character of the political system. Non-Ba'th Party members of the NPF exist as political parties largely in name only and conform strictly to

Ba'th Party and government policies. In 2000 there were reports that the Government was considering legislation to expand the NPF to include new parties and several parties previously banned; however, at year's end, there were no new developments.

The Ba'th Party dominates the Parliament, which is known as the People's Council. Although parliamentarians may criticize policies and modify draft laws, the executive branch retains ultimate control over the legislative process. The Government has allowed independent non-NPF candidates to run for a limited allotment of seats in the 250-member People's Council. The allotment of non-NPF deputies was 83, ensuring a permanent absolute majority for the Ba'th Party-dominated NPF. Elections for the 250 seats in the People's Council last took place in 1998.

In March and April, the Government sentenced independent Members of Parliament Ma'mun Humsi and Riad Seif to 5 year prison terms for attempting to illegally change the Constitution (*see* Section 1.d.).

Persons convicted by the State Security Court may be deprived of their political rights after they are released from prison. Such restrictions include a prohibition against engaging in political activity, the denial of passports, and a bar on accepting government jobs and some other forms of employment. The duration of such restrictions is 7 years after expiration of the sentence in the case of felony convictions; however, in practice the restrictions may continue beyond that period. The Government contends that this practice is mandated by the Penal Code; it has been in effect since 1949.

Women and minorities, with the exception of the Jewish population and stateless Kurds (*see* Section 5), participated in the political system without restriction. There were 2 female cabinet ministers, and 26 of the 250 members of Parliament were women. No figures of the percentage of women and minorities who vote were available; however, citizens are required by law to vote.

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

The Government did not allow domestic human rights groups to exist legally. Human rights groups have operated legally but ultimately were banned by the Government. The Government's sentencing of 10 civil society leaders this year to lengthy prison sentences stifled the activities of human rights activists and organizations (*see* Sections 1.d., 1.e., and 2.a.).

In February 2001, Human Rights Watch criticized the Government for restricting civil society groups from meeting. Human Rights Watch claimed that such groups had grown in popularity in the preceding months, but that on February 18, 2001 the Government informed many leaders of such groups that their meetings could not be held without government permission.

The Government has met only twice with international human rights organizations: Human Rights Watch in 1995 and Amnesty International in 1997.

As a matter of policy, the Government in its dealings with international groups denied that it commits human rights abuses. It has not permitted representatives of international organizations to visit prisons. The Government stated that it responds in writing to all inquiries from NGOs regarding human rights issues, including the cases of individual detainees and prisoners, through an interagency governmental committee established expressly for that purpose. The Government usually responds to queries from human rights organizations and foreign embassies regarding specific cases by claiming that the prisoner in question has violated national security laws.

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

The Constitution provides for equal rights and equal opportunity for all citizens. However, in practice membership in the Ba'th Party or close familial relations with a prominent party member or powerful government official can be important for economic, social, or educational advancement. Party or government connections paved the way for entrance into better elementary and secondary schools, access to lucrative employment, and greater power within the Government, the military, and the security services. Certain prominent positions, such as that of provincial governor, were reserved solely for Ba'th Party members. Apart from some discrimination against Jews and stateless Kurds, there were no apparent patterns of systematic government discrimination based on race, sex, disability, language, or social status. However, there were varying degrees of societal discrimination in each of these areas.

Women.—Violence against women occurred, but there were no reliable statistics regarding the prevalence of domestic violence or sexual assault. The vast majority of cases likely were unreported, and victims generally were reluctant to seek assist-

ance outside the family. Battered women have the legal right to seek redress in court, but few do so because of the social stigma attached to such action. The Syrian Women's Federation offers services to battered wives to remedy individual family problems. The Syrian Family Planning Association also attempts to deal with this problem. Some private groups, including the Family Planning Association, have organized seminars on violence against women, which were reported by the Government press. There are a few private, nonofficial, specifically designated shelters or safe havens for battered women who seek to flee their husbands.

Rape is a felony; however, there are no laws against spousal rape.

Prostitution is prohibited by law, and it was not a widespread problem.

The law specifically provides for reduced sentences in "honor" crimes (violent assaults with intent to kill against a female by a male for alleged sexual misconduct). Instances of honor crimes were rare and occurred primarily in rural areas in which Bedouin customs prevail.

The law prohibits sexual harassment and specifies different punishments depending on whether the victim is a minor or an adult. Sexual harassment was rarely reported.

The Constitution provides for equality between men and women and equal pay for equal work. Moreover the Government has sought to overcome traditional discriminatory attitudes toward women and encourages women's education. However, the Government has not yet changed personal status, retirement, and social security laws that discriminate against women. In addition, some secular laws discriminate against women. For example, under criminal law, the punishment for adultery for a woman is twice that as for the same crime committed by a man.

Christians, Muslims, and other religious groups are subject to their respective religious laws on marriage, divorce, and inheritance. For Muslims, personal status law on divorce is based on Shari'a (Islamic law), and some of its provisions discriminate against women. For example, husbands may claim adultery as grounds for divorce, but wives face more difficulty in presenting the same argument. If a woman requests a divorce from her husband, she may not be entitled to child support in some instances. In addition, under the law a woman loses the right to custody of boys when they reach age 9 and girls at age 12.

Inheritance for Muslims also is based on Shari'a. Accordingly Muslim women usually are granted half of the inheritance share of male heirs. However, Shari'a mandates that male heirs provide financial support to the female relatives who inherit less. If they do not, females have the right to sue.

Polygyny is legal but is practiced only by a small minority of Muslim men.

A husband may request that his wife's travel abroad be prohibited (*see* Section 2.d.). Women generally are barred from travelling abroad with their children unless they are able to prove that the father has granted permission for the children to travel.

Women participated actively in public life and were represented in most professions, including the military. Women were not impeded from owning or managing land or other real property. Women constituted approximately 7 percent of judges, 10 percent of lawyers, 57 percent of teachers below university level, and 20 percent of university professors.

Children.—There was no legal discrimination between boys and girls in education or in health care. The Government provides free, public education from primary school through university. Education is compulsory for all children, male or female, between the ages of 6 and 12. According to the Syrian Women's Union, approximately 46 percent of the total number of students through the secondary level are female. Nevertheless, societal pressure for early marriage and childbearing interferes with girls' educational progress, particularly in rural areas, in which the dropout rates for female students remained high.

The Government provides medical care for children until the age of 18.

Although there are cases of child abuse, there is no societal pattern of abuse against children. The law provides for severe penalties for those found guilty of the most serious abuses against children.

Child prostitution and trafficking in children are rare; incidents that arise mainly involve destitute orphans.

The law emphasizes the need to protect children, and the Government has organized seminars regarding the subject of child welfare.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector work force. However, implementation is inconsistent. Regulations reserving four percent of government and public sector jobs for persons with disabilities are not implemented rigorously. Persons with disabilities may not legally challenge alleged instances of discrimina-

tion. There are no laws that mandate access to public buildings for persons with disabilities.

National/Racial/Ethnic Minorities.—The Government generally permitted national and ethnic minorities to conduct traditional, religious, and cultural activities; however, the Government's attitude toward the Kurdish minority was a significant exception. Although the Government contends that there was no discrimination against the Kurdish population, it placed limits on the use and teaching of the Kurdish language. It also restricted the publication of books and other materials written in Kurdish (*see* Section 2.a.), Kurdish cultural expression, and, at times, the celebration of Kurdish festivals. The Government tacitly accepted the importation and distribution of Kurdish language materials, particularly in the northeast region where most of the Kurds in the country reside. Some members of the Kurdish community have been tried by the Supreme State Security Court for expressing support for greater Kurdish autonomy or independence. Although the Government stopped the practice of stripping Kurds of their Syrian nationality (some 120,000 had lost Syrian nationality under this program in the 1960s), it never restored the nationality to those who lost it earlier. As a result, those who had lost their nationality, and their children, have been unable to obtain passports, or even identification cards and birth certificates. Without Syrian nationality, these stateless Kurds, who according to UNHCR estimates number approximately 200,000, are unable to own land, are not permitted to practice as doctors or engineers or be employed by the Government, are ineligible for admission to public hospitals, have no right to vote, and cannot travel to and from the country. They also encounter difficulties in enrolling their children in school, and in some cases, in registering their marriages.

In November 2000, a number of armed clashes occurred between Bedouin shepherds and Druze residents of Suwayda Province that required government military intervention to stop. Local press reported that between 15 and 20 Druze, Bedouin, and security forces personnel were killed. There were large demonstrations following the deaths (*see* Sections 1.a. and 2.b.).

In August President Asad became the first president in 40 years to visit Hasakeh province in the northeast, where most Kurds reside. In meetings with regional and Kurdish leaders, he reportedly acknowledged the importance of Kurds to the local cultural heritage and stated his willingness to discuss citizenship problems.

Section 6. Worker Rights

a. The Right of Association.—Although the Constitution provides for this right, workers were not free to establish unions independent of the Government. All unions must belong to the General Federation of Trade Unions (GFTU), which is dominated by the Ba'th Party and is in fact a part of the State's bureaucratic structure. The GFTU is an information channel between political decision-makers and workers. The GFTU transmits instructions downward to the unions and workers but also conveys information to decision-makers about worker conditions and needs. The GFTU advises the Government on legislation, organizes workers, and formulates rules for various member unions. The GFTU president is a senior member of the Ba'th Party. He and his deputy may attend cabinet meetings on economic affairs. The GFTU controls nearly all aspects of union activity.

There were no reports of antiunion discrimination. Since the unions are part of the Government's bureaucratic structure, they are protected by law from antiunion discrimination.

The GFTU is affiliated with the International Confederation of Arab Trade Unions.

In 1992 the country's eligibility for tariff preferences under the U.S. Generalized System of Preferences was suspended because the Government failed to afford internationally recognized worker rights to workers.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively does not exist in any meaningful sense. Government representatives were part of the bargaining process in the public sector. In the public sector, unions did not normally bargain collectively on wage issues, but there was some evidence that union representatives participated with representatives of employers and the supervising ministry in establishing minimum wages, hours, and conditions of employment. Workers serve on the boards of directors of public enterprises, and union representatives always are included on the boards.

The law provides for collective bargaining in the private sector, although past repression by the Government dissuaded most workers from exercising this right.

Unions have the right to litigate disputes over work contracts and other workers' interests with employers and may ask for binding arbitration. In practice labor and management representatives settle most disputes without resort to legal remedies

or arbitration. Management has the right to request arbitration, but that right seldom is exercised. Arbitration usually occurs when a worker initiates a dispute over wages or severance pay.

The law does not prohibit strikes; however, previous government crackdowns deterred workers from striking. In 1980 the security forces arrested many union and professional association officials who planned a national strike. Some of them are believed to remain in detention, either without trial or after being tried by the State Security Court (*see* Sections 1.d. and 2.b.). During the year, there were no strikes.

There are no unions in the seven free trade zones. Firms in the zones are exempt from the laws and regulations governing hiring and firing, although they must observe some provisions on health, safety, hours, and sick and annual leave.

c. Prohibition of Forced or Bonded Labor.—There is no law prohibiting forced or bonded labor, including that performed by children. There were no reports of forced or bonded labor by children, or forced labor involving foreign workers or domestic servants. Forced labor has been imposed as a punishment for some convicted prisoners.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law provides for the protection of children from exploitation in the workplace; however, the Government tolerated child labor in some instances. Independent information and audits regarding government enforcement were not available. The compulsory age for schooling is 6 to 12 years of age; however, in 2000 the Parliament approved legislation that raised the private sector minimum age for employment from 12 to 15 years for most types of nonagricultural labor, and from 16 to 18 years for heavy work. Working hours for youths of legal age do not differ from those established for adults. In all cases, parental permission is required for children under the age of 16. The law prohibits children from working at night. However, the law applies only to children who work for a salary. Those who work in family businesses and who technically are not paid a salary—a common phenomenon—do not fall under the law. Children under the age of 16 are prohibited by law from working in mines, at petroleum sites, or in other dangerous fields. Children are not allowed to lift, carry, or drag heavy objects. The exploitation of children for begging purposes also is prohibited. The Government claims that the expansion of the private sector has led to more young children working.

The Ministry of Labor and Social Affairs monitored employment conditions for persons under the age of 18, but it does not have enough inspectors to ensure compliance with the laws. The Ministry has the authority to specify the industries in which children 15 and 16 years of age may work.

The Labor Inspection Department performed unannounced spot checks of employers on a daily basis to enforce the law; however, the scope of these checks was unknown. The majority of children under age 16 who work did so for their parents in the agricultural sector without remuneration. The ILO reported in 1998 that 10.5 percent of children under the age of 18 participate in the labor force, which amounts to 4.7 percent of the total work force.

The law does not prohibit forced or bonded labor by children; however, such practices were not known to occur.

e. Acceptable Conditions of Work.—The Minister of Labor and Social Affairs is responsible for enforcing minimum wage levels in the public and private sectors. In May the Government increased public sector minimum wages by 20 percent to $69 (3,175 Syrian pounds) per month, plus other compensation (for example, meals, uniforms, and transportation). In August the Government announced a 20 percent increase in private sector minimum wages. The gain in minimum wage levels was largely cancelled out by the increase in prices. These wages did not provide a decent standard of living for a worker and family. As a result, many workers in both the public and private sectors take additional jobs or are supported by their extended families.

The statutory workweek for administrative staff is 6 days of 6 hours each, and laborers work 6 days a week of 8 hours each. In some cases a 9-hour workday is permitted. The laws mandate one 24-hour rest day per week. Rules and regulations severely limit the ability of an employer to dismiss employees without cause. Even if a person is absent from work without notice for a long period, the employer must follow a lengthy procedure of trying to find the person and notify him, including through newspaper notices, before he is able to take any action against the employee. Dismissed employees have the right of appeal to a committee of representatives from the union, management, the Ministry of Labor and Social Affairs, and the appropriate municipality. Such committees usually find in favor of the employee. Dismissed employees are entitled to 80 percent of salary benefits while the dispute is under consideration. No additional back wages are awarded should the employer

be found at fault, nor are wage penalties imposed in cases in which the employer is not found at fault. The law does not protect temporary workers who are not subject to regulations on minimum wages. Small private firms and businesses employ such workers to avoid the costs associated with hiring permanent employees.

The law mandates safety in all sectors, and managers are expected to implement them fully. In practice there is little enforcement without worker complaints, which occur infrequently despite government efforts to post notices regarding safety rights and regulations. Large companies, such as oil field contractors, employ safety engineers.

The ILO noted in 1998 that a provision in the Labor Code allowing employers to keep workers at the workplace for as many as 11 hours a day might lead to abuse. However, there have been no reports of such abuses. Officials from the Ministries of Health and Labor are designated to inspect work sites for compliance with health and safety standards; however, such inspections appear to be sporadic, apart from those conducted in hotels and other facilities that cater to foreigners. The enforcement of labor laws in rural areas also is more lax than in urban areas, where inspectors are concentrated. Workers may lodge complaints about health and safety conditions, with special committees established to adjudicate such cases. Workers have the right to remove themselves from hazardous conditions without risking loss of employment.

The law provides protection for foreign workers who reside legally in the country; but not for illegal workers. There were no credible estimates available on the number of illegal workers in the country.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons; however, there were no reports that persons were systematically being trafficked to, from, or within the country. Standard labor laws could be applied in the event of allegations of trafficking. The Penal Code penalizes prostitution and trafficking of citizen women abroad.

TUNISIA

Tunisia is a constitutional republic dominated by a single political party. President Zine El-Abidine Ben Ali and his Constitutional Democratic Rally (RCD) party have controlled the Government, including the legislature, since 1987. This dominance was reaffirmed in an overwhelming RCD victory in the October 1999 legislative and presidential elections. Although 1999 revisions to the Constitution allowed 2 opposition candidates to run against Ben Ali in the elections, the official results stated that Ben Ali won 99.44 percent of the vote. The ruling RCD party's domination of state institutions and political activity precludes credible and competitive electoral challenges from unsanctioned actors. Approximately 20 percent of representation in the Chamber of Deputies is reserved for opposition parties (34 of 182 seats). On June 1, nearly half the Constitution was amended after the Government initiated changes that, among other things, removed term limits for the presidency, raised the age limit of presidential candidates, granted immunity to the president for acts committed while in office, and created a second legislative chamber. In May the Government had put the amendment reforms to a national referendum and stated that it passed with 99.52 percent of the vote, though credible reports indicated that the vote was characterized by intimidation and that there was no secret ballot. The next presidential election is scheduled for 2004. The President appoints the Prime Minister, the Cabinet, and the 24 governors. There were reports of government pressure and interference during voting for the May 26 constitutional referendum and some NGOs condemned the Government's amendment plan as a reinstatement of a "presidency-for-life." Although the Constitution provides for an independent judiciary, the executive branch and the President strongly influenced judicial decisions, particularly in political cases.

The police share responsibility for internal security with a paramilitary National Guard. The police operated in the capital and a few other cities. In outlying areas, their policing duties were shared with, or ceded to, the National Guard. Both forces were under the control of the Minister of Interior and the President. Security forces continued to commit serious human rights abuses.

The country had a population of 9.7 million with an export-oriented market economy based on manufactured exports, tourism, agriculture, and petroleum. According to government statistics, more than 60 percent of citizens are in the middle class and only 4.2 percent of citizens fell below the poverty line.

The Government generally respected the rights of its citizens in some areas; however, its record remained poor in other areas, and significant problems remained.

There were significant limitations on citizens' right to change their government. Members of the security forces tortured and physically abused prisoners and detainees. Security forces arbitrarily arrested and detained persons. International observers were not allowed to inspect prisons, and lengthy pretrial detention and incommunicado detention remained problems. The Government infringed on citizens' privacy rights. Security forces physically abused, intimidated, and harassed citizens who voiced public criticism of the Government. The Government continued to impose significant restrictions on freedom of speech and of the press. Editors and journalists continued to practice self-censorship. The Government remained intolerant of public criticism, using physical abuse, criminal investigations, the court system, arbitrary arrests, and travel controls (including denial of passports), to discourage criticism and limit the activities of human rights activists. The Government restricted freedom of assembly and association. The Government did not permit proselytizing. The Government continued to support the rights of women and children; however, legal discrimination against women continued to exist. Child labor existed but continued to decline, due principally to government efforts to address the problem. Tunisia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, during the year there were allegations of three deaths in custody in which members of the security forces were involved directly or in which they were accused of complicity. In March the National Council for Liberties in Tunisia (CNLT) released its second report on the state of liberties in the country that described incidents in 2000 and 2001 of five suspicious deaths in custody that the police classified as suicides and roadside deaths the police classified as vehicle accidents.

In March the Tunisian Human Rights League (LTDH) branch in Medenine investigated the death in police custody of Imed Ben Ali Bourguiba. The police claimed that Bourguiba committed suicide on March 14. No information on his death was made public.

On March 23, Abdelwahab Boussaa, a 32-year-old an-Nahdha member who had been imprisoned since 1991 for membership in an illegal organization, died in prison of acute renal failure caused by a hunger strike protesting prison conditions and torture by prison authorities.

On March 30, Lakhdar Ben Hacine Zbiri, a 36-year-old an-Nahdha member, died in prison allegedly as a result of neglect. Prison officials were accused of denying Zbiri, who was diagnosed earlier with leukemia, adequate medical care.

The Government did not release any information on the following deaths in custody reported in 2001: Abderrahman Jehinaoui; Ryadh Bouslama Sayadi; Zine Ben Brik; and Hassene Azouzi.

In 2001 the Government sentenced to prison terms some security officials found responsible for deaths in custody (*see* Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code prohibits the use of torture and other cruel, inhuman, or degrading treatment or punishment; however, security forces reportedly routinely used various methods of torture to coerce confessions from detainees and to punish political prisoners. The forms of torture included electric shock; confinement to tiny, unlit cells; submersion of the head in water; beatings with hands, sticks, and police batons; suspension from cell doors resulting in lost consciousness; cigarette burns, and food and sleep deprivation. Police also reportedly beat naked, manacled prisoners while they were suspended from a rod. Some credible reports indicated the use of sexual assault and threats of sexual assault by police and prison officials against the wives of Islamist prisoners to extract information or to intimidate or punish prisoners.

In June Ali Mansouri, a prisoner who alleged he was severely beaten by prison guards, received the final payment in compensation for amputation of both legs as a result of mistreatment received in prison. In the first case of its kind, Mansouri filed criminal charges against the mistreatment by prison guards in 2000. In 2001 the court found four guards guilty of torture and sentenced them each to 4 years in prison. It also ordered the Government to pay $210,000 (315,000 dinars) in compensation to Mansouri. On January 25, the Mansouri decision was reviewed by the Criminal Court of Appeal. The court upheld convictions of three of the guards, sen-

tencing two of them to 4 years imprisonment and reducing the sentence of a third guard to 2 years. The court overturned the conviction of the fourth guard.

According to Amnesty International (AI) and defense attorneys, the courts routinely failed to investigate allegations of torture and mistreatment and have accepted as evidence confessions extracted under torture. In 1999 the Government enacted amendments to the Penal Code that adopted the U.N. definition of torture, instructed police to inform detainees of their rights, including, notably, the right of a defendant to demand a medical examination while in detention, and increased the maximum penalty for those convicted of committing acts of torture from 5 to 8 years. The Government also shortened the maximum allowable period of prearraignment incommunicado detention from 10 to 6 days and added a requirement that the police notify suspects' families on the day of their arrest (*see* Section 1.d.). However, credible sources claimed that the Government rarely enforced these provisions and that appeals to the court for enforcement routinely were denied.

Credible reports indicated that police tortured Lofti Ferhat, a 39-year-old former courier who had been living in France before his 2000 arrest. During his incommunicado detention at the Ministry of Interior, he signed an admission of membership in a group linked to an-Nahdha. In 2001 a military court convened to hear the case against Ferhat and, based on the signed admission extracted under torture by authorities, sentenced him to 7 years in prison plus 5 years of administrative control. In May the Court of Cassation upheld his sentence and ruled that the defendant's claims of torture were inadmissible in the appeal hearing (*see* Section 1.e.).

In June the LTDH released a report citing that the human rights situation in the country had "seriously deteriorated." The report, the first publicly released since 1994, cited several instances of torture and deaths in prison. In July the League announced that it would prepare a report specifically aimed at documenting the situation in the prisons and estimated the prison population to be more than 30,000.

Human rights advocates maintained that charges of torture and mistreatment were difficult to document because government authorities often denied medical examinations until evidence of abuse has disappeared. The Government maintained that it investigates all complaints of torture and mistreatment filed with the prosecutor's office and claimed that alleged victims sometimes publicly accused authorities of acts of abuse without taking the steps required to initiate an investigation. However, according to human rights groups, police often refused to register complaints and judges dismissed complaints lodged by alleged victims of torture with little or no investigation. Absent a formal complaint, the Government may open an administrative investigation but is unlikely to release the results to the lawyers of affected prisoners. The Government appeared to distinguish Islamists from other political opposition prisoners; Islamists tended to receive harsher treatment during their arrests and confinement. The 2001 conviction of the prison guards in the Mansouri case represented the first documented instance in which prison security officials were disciplined for such abuse.

Security forces attacked and beat citizens, particularly human rights activists, for holding demonstrations or meetings, or for criticizing the Government (*see* Sections 2.b. and 4). On January 13, the CNLT reported that police prevented a plenary meeting they tried to hold at the Aloes Publishing House to discuss the organization's annual report.

On January 30, plainclothes police beat Loumamba Mohseni, director of communications for the Web magazine Kaws El Karama, unconscious as he waited for a taxi.

In April during otherwise peaceful pro-Palestinian demonstrations, police armed with truncheons dispersed demonstrators, mostly human rights and opposition leaders, beating some and chasing others into side streets.

On August 28, five plainclothes policemen attacked Lasaad Jouhri, former prisoner of conscience upon leaving a lawyer's office. Police beat Jouhri, who has a partially paralyzed right leg sustained from torture in prison between 1991 and 1994, with his crutch, concentrating the blows on his right knee (*see* Section 2.b.).

On December 11, former judge Mokhtar Yahiaoui was attacked and severely beaten by three plainclothes policemen while trying to enter the law offices of his colleague Noureddine Bhiri. Yahiaoui indicated that one policeman blocked the entry to the office and dragged him to a narrow side street where two other officers beat him. Yahiaoui's screams drew a crowd of onlookers and the police relented long enough for Yahiaoui to run back to Bhiri's office. He was treated in a local hospital for contusions to his head, face and legs. Yahiaoui said he believed the beating was because of a call he made on December 10 for the Government to release 23 political prisoners who have been in detention for more than 10 years.

In 2001 legal responsibility for the prison and parole system transferred from the Ministry of Interior to the Ministry of Justice, which stated publicly its intent to

improve prison conditions; however, there were no discernable changes by year's end.

Prison conditions ranged from Spartan to poor and, in nearly all cases, did not meet international standards. Credible sources reported that overcrowding remained a serious problem, with 40 to 50 prisoners typically confined to a single 194-square foot cell, and up to 140 prisoners held in a 323-square foot cell. Defense attorneys reported that prisoners were forced to share a single water and toilet facility with more than 100 cellmates, creating serious sanitation problems.

On December 12, the magazine Realities published an article documenting substantial overcrowding and substandard prison conditions. The article quoted a study by the International Center for Prison Studies, King's College London, which indicated a prison population rate of 253 prisoners per 100,000 persons. Realities claimed that prisoners were made to sleep on floors and under beds and that some waited up to 7 months before moving from the floor to a bed shared with other prisoners. In response to the article, President Ben Ali announced the formation of a commission of inquiry into prison conditions. On December 16, the public prosecutor called the author of the article, Hedi Yahmed, to answer charges of defamation and "spreading false information aimed at undermining the public order." On December 19, he was forced to resign after substantial government pressure and left the country (*see* Section 2.a.).

There were credible reports that conditions and prison rules were harsher for political prisoners than for the general prison population. One credible report alleged the existence of special cell blocks and prisons for political prisoners, in which they might be held in solitary confinement for months at a time. Another credible source reported that high-ranking leaders of the illegal an-Nahdha Islamist movement remained in solitary confinement since 1991. Other sources alleged that political prisoners regularly were moved among jails throughout the country, thereby making it more difficult for their families to deliver food to them and to discourage their supporters or the press from inquiring about them. The CNLT reported in the past that inmates were instructed to isolate new political prisoners and were punished severely for contact with them.

During the year, prisoners undertook several hunger strikes to protest substandard prison conditions, mistreatment, and the denial of family visits. In January Mohamed Moaada began a hunger strike to protest poor prison conditions and his lack of proper medical treatment. On January 31, Moaada received a presidential pardon and was conditionally released from prison.

On March 16, Ammar Amroussia, a Tunisian Communist Worker's Party (PCOT) member detained on February 2, began a hunger strike protesting prison conditions and his transfer. On November 7, he was released from prison as part of an amnesty marking the 15th anniversary of President Ben Ali's accession to power.

In June Radhia Nasraoui undertook a 6-week hunger strike protesting her husband Hamma Hammami's imprisonment. The Government responded by characterizing her actions as "immoral." During her hunger strike, she traveled to Paris with her daughter, claiming she wanted her children in France "far away from police provocation" (*see* Section 2.b.).

On July 29, prisoners at Borj El Amri near Tunis started a general hunger strike protesting their conditions. Credible reports indicated that the prison director beat one of the prisoners, Hatem Ben Romdhane, for his participation.

Zakaria Ben Mustapha, National Commissioner for Human Rights, continued the practice of reviewing prison conditions. The organization is government-funded and in January Ben Mustapha reported his findings to President Ben Ali, who declined to make them public.

The Government did not permit international organizations or the media to inspect or monitor prison conditions. In March the CNLT called for reform of the prison system, citing the systematic torture and abuse of prisoners and continued lack of basic hygienic conditions and medical care. Men, women, and children were held separately in prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law authorizes the police to make arrests without warrants only in the cases of suspected felons or crimes in progress; however, the authorities did not observe this restriction and arbitrary arrest and detention remained problems. The Penal Code provides for a maximum 3-day detention period, renewable once (for a maximum of 6 days) by the prosecutor, thus reducing from 10 days to 6 the period that the Government may hold a suspect incommunicado following arrest and prior to arraignment. The Code also requires arresting officers to inform detainees of their rights and detainees' families of the arrest at the time of arrest, and to make a complete record of the times and dates of such notifications. Credible sources stated that the law rarely was enforced with respect to either common criminals or political detainees. Detainees have the right to be in-

formed of the grounds for arrest before questioning and may request a medical examination. However, they do not have a right to legal representation during the 6-day incommunicado detention period. Attorneys, human rights monitors, and former detainees maintained that the authorities illegally extend the maximum limit of pre-arraignment detention by falsifying the date of arrest. Police reportedly extorted money from families of innocent detainees for dropping charges against them.

The law permits the release of accused persons on bail, which may be paid by a third party. In cases involving crimes for which the sentence exceeds 5 years or that involve national security, preventive detention may last an initial period of 6 months and be extended by court order for two additional 4-month periods. For crimes in which the sentence may not exceed 5 years, the court may extend the initial 6-month pretrial detention by an additional 3 months only. During this period, the court conducts an investigation, hears arguments, and accepts evidence and motions of both parties. The law provides persons indicted for criminal acts the right to appeal their indictment before the case comes to trial. Detainees have the right to be represented by counsel during arraignment. The Government provides legal representation for indigents. At arraignment the examining magistrate may decide to release the accused or remand him to pretrial detention.

A case proceeds from investigation to a criminal court, which sets a trial date. There is no legal limit to the length of time the court may hold a case over for trial, nor is there a legal basis for a speedy hearing. Complaints of prolonged detention of persons awaiting trial were common, and President Ben Ali publicly had encouraged judges to make better use of release on bail and suspended sentences. Some defendants have claimed that they have been held in pretrial detention for years.

On May 31, Moncef Chaker reportedly was arrested and taken to his home where police seized his personal computer. He was held in incommunicado detention at the Ministry of Interior for several days. No explanation was given for his arrest and he indicated police threatened him not to reveal details of his detention.

On September 4, Zouhayer Makhlouf and Chadli Turki were arrested for reasons that were not made clear to them. Makhlouf, an AI member, indicated he was asked to give up his membership in the human rights organization. Turki, a medical doctor, indicated he believed he was being harassed possibly because of links to some political opponents. On September 8, they were released.

Sihem Bensedrine, who in 2001 was arrested, charged with defamation of a judge and spreading false information aimed at undermining the public order on Al-Mustaquella satellite broadcast in London, and released as part of a broader amnesty, may still be subject to judicial proceedings. However, at year's end, she had not been subject to additional proceedings.

On January 31, Mohammed Moaada was conditionally released on a presidential pardon and his civil and political rights were restored. In 2001 police arrested Moaada, former secretary general of the Democratic Socialist Movement (MDS) opposition party, for violating the conditions of his parole. Precise charges were not publicly specified; however, prior to his arrest he had appeared on Al Mustaquella criticizing the Government.

The Penal Code contains provisions for the imposition of administrative controls following completion of a prison sentence; however, only judges have the right to order a former prisoner to register at a police station, and the law limits registration requirements to 5 years. Security forces reportedly arbitrarily imposed administrative controls on former prisoners following their release from prison, which often prevented them from being able to hold a job. Defense attorneys reported that some clients must sign in four or five times daily, at times that are determined only the previous evening. When the clients arrive at the police station, they may be forced to wait hours before signing in, making employment impossible and childcare difficult. Numerous Islamists released from prison in recent years have been subjected to these types of requirements.

The law allows judges to substitute community service for jail sentences in minor cases in which the sentence would be 6 months or less. There is no evidence that this alternative was applied in political cases.

There were reports of hundreds of political detainees, although there was no reliable estimate due to arbitrary government detention practices and the lack of public arrest records. The Government denied arresting persons for political crimes. Rather, it relied on a variety of broad or vague provisions in the Penal Code, including against "spreading false information aimed at undermining the public order," and "belonging to an illegal organization," to arrest and charge political opponents, human rights activists, and Islamists, among others.

Judges and the Government exercised the authority to release prisoners or suspend their sentences, often on conditional parole. For example, in 2001 human rights lawyer Nejib Hosni received a presidential pardon after serving 4 ½ months

for violating his conditional parole by practicing law. Hosni appeared at the Court of Appeal on behalf of Hamma Hammami and addressed the court as a lawyer despite the official ban on his practicing. The Tunisian Bar Association came to his defense, claiming that only it has the authority to disbar lawyers. Hosni continued to practice law, despite the Government's ban, and represented several human rights defendants. On September 4, Hamma Hammami and Samir Taamallah were released on conditional parole for health reasons.

The Constitution prohibits forced exile, and the Government observed this prohibition. Some political opponents in self-imposed exile were prevented from obtaining or renewing their passports in order to return. However, since 2000 the Government had returned 200 passports (*see* Section 2.d.). One report indicated that in July journalist Abdallah Zouari received an administrative order from the Ministry of Interior ordering him to comply with an internal exile provision of his administrative control, banishing him to Zarzis in the south of the country (*see* Section 2.d.).

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, the executive branch and the President strongly influenced judicial decisions, particularly in political cases. The judicial branch is part of the Ministry of Justice; the executive branch appoints, assigns, grants tenure to, and transfers judges. In addition, the President is head of the Supreme Council of Judges. This renders judges susceptible to pressure in sensitive cases. In January the Chamber of Deputies passed a law granting citizens legal recourse to the Administrative Tribunal to address grievances against government ministries, as a type of ombudsman. However, government officials rarely respected decisions by the tribunal in practice.

The court system consists of the regular civil and criminal courts, including the courts of first instance; the courts of appeal; and the Court of Cassation, the nation's highest appeals court; as well as the military tribunals within the Defense Ministry.

Military tribunals try cases involving military personnel and civilians accused of national security crimes. A military tribunal consists of a civilian judge from the Supreme Court and four military judges. Defendants may appeal the tribunal's verdict to the final arbiter, the Court of Cassation, which considers arguments on points of law as opposed to the facts of a case. AI has claimed that citizens charged under the tribunals have been denied basic rights during the judicial process. During the year, in one instance, civilians were tried before a military tribunal. The defendants were convicted of association with terrorist groups and sentenced to prison terms. In January 34 persons were convicted of belonging to a terrorist group linked to al-Qa'ida, 30 of whom remained outside the country.

In May, in another civilian case dating to 2000, Lofti Ferhat's conviction of belonging to a group linked to an-Nahdha was upheld.

By law the accused has the right to be present at trial, be represented by counsel, question witnesses, and appeal verdicts. However, in practice judges do not always observe these rights. The law permits trial in absentia of fugitives from the law. Both the accused and the prosecutor may appeal decisions of the lower courts. Defendants may request a different judge if they believe that a judge is not impartial; however, in practice judges do not always permit this. In 2001 a sitting judge, Jedidi Ghenya, was quoted as declaring in court that everyone who appears before him is guilty until they prove their innocence, despite the fact that the Constitution provides for the presumption of innocence until the legal establishment of guilt.

Trials in the regular courts of first instance and in the courts of appeals are open to the public. The presiding judge or panel of judges dominates a trial, and defense attorneys have little opportunity to participate substantively. Defense lawyers contended that the courts often failed to grant them adequate notice of trial dates or allow them time to prepare their cases. Some also reported that judges restricted access to evidence and court records, requiring in some cases, for example, that all attorneys of record examine the court record on one specified date in judges' chambers, without allowing attorneys to copy material documents. Defense lawyers also claimed that judges sometimes refuse to allow them to call witnesses on their clients' behalf or to question key government witnesses. Lengthy trial delays also were a problem (*see* Section 1.d.).

Although civil law, including family and inheritance law, is codified, judges were known to override codified law with Islamic law if codified law conflicts with Shari'a, especially in cases involving child custody. Generally Shari'a-based civil law was applied only in some family cases. Some families avoided the application of Shari'a in inheritance questions by executing sales contracts between parents and children in order to ensure that daughters received shares of property equal to that of the sons.

For example, codified laws provide women with the legal right to custody over minor children; however, judges have refused to grant women permission to leave

the country with minor children, holding that Shari'a appoints the father as the head of the family who must grant children permission to travel. On July 22, police prevented Radhia Nasraoui's 3-year-old daughter from traveling. Though she had her mother's permission, police indicated her father, Hamma Hammami, who was in prison at the time, must also give his permission. The child was allowed to travel with her mother several days later.

In court a woman's testimony is worth the same as a man's.

Human rights activists contended that the judicial system is neither independent nor fair and that it applies the law unevenly to defendants facing politically motivated charges. On February 7, the National Council of the Order of Lawyers observed a strike protesting the conditions of Hamma Hammami's 1999 trial, during which Hammami and two co-defendants were tried in absentia. When they returned to the country to respond to charges, they were removed from court and re-sentenced in closed court. The Government described the strike as illegal.

On November 20, a Canadian national of Tunisian origin, Bechir Saad, was sentenced on appeal to 4 years in prison for membership in an-Nahdha. Saad, resident in Canada since 1989, was arrested during a holiday in the country. A Canadian consular official and a Canadian magistrate were allowed to attend his trial.

Throughout the year, the Government permitted observers from diplomatic missions, members of the European Parliament, and foreign journalists to monitor trials, while selectively barring other observers from human rights organizations from entering the country (*see* Section 4).

AI and defense attorneys reported that courts routinely failed to investigate allegations of torture and mistreatment, and have accepted as evidence confessions extracted under torture (*see* Section 1.c.). Defense lawyers and human rights activists claimed that the summary nature of court sessions sometimes prevented reasoned deliberation. They also claimed that erratic court schedules and procedures were designed to deter and discourage observers of political trials.

There is no definitive information regarding the number of political prisoners. Human Rights Watch has reported that there might be hundreds of political prisoners convicted and imprisoned for membership in the Islamist group an-Nahdha and the PCOT, for disseminating information produced by these banned organizations, and for aiding relatives of convicted members. In September 2001, AI estimated that there were up to 1,000 political prisoners. Nearly all those prisoners that have been identified by international human rights groups as political prisoners or prisoners of conscience have been arrested or detained under articles of the Penal or Press Codes prohibiting membership in illegal organizations or spreading false information aimed at undermining the public order.

The Government traditionally releases prisoners on national holidays. On November 7, the Government released six political prisoners to mark the anniversary of President Ben Ali's accession to power: Ammar Amroussia (PCOT), Abdejabbar Madouri (PCOT), Abdallah Zouari (an-Nahdha), Fethi Karoud (an-Nahdha), Khaled Khaldi (an-Nahdha), and Ahmed Amari (an-Nahdha).

The Government denied that it holds any prisoners considered "political," and normally did not provide details on the numbers or types of prisoners released.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the person, the home, and for the privacy of correspondence, "except in exceptional cases defined by law." However, the Government infringed on these rights. The law requires that the police obtain warrants to conduct searches; however, police sometimes ignored the requirement if authorities considered that state security is at stake or that a crime is in progress.

The Government broke into and ransacked the homes and offices of human rights activists and opposition figures.

In December 2001, Rally for an International Alternative for Development (RAID) reported that the houses of two of its members, Fathi Chamkhi and Sadri Khiari, were broken into and vandalized. On July 6, Chamkhi reported his house again was broken into as a punishment, he believed, for his participation in a meeting in Lyon on the state of human rights in the country.

Authorities may invoke state security interests to justify telephone surveillance. There were numerous reports of government interception of fax and computer-transmitted communications. The law does not authorize explicitly these activities, although the Government has stated that the Code of Criminal Procedure implicitly gives investigating magistrates such authority. Many political activists experienced frequent and sometimes extended interruptions of residential and business telephone and fax services. Human rights activists accused the Government of using the 1998 Postal Code, with its broad but undefined prohibition against mail that threatens the public order, to interfere with their mail and interrupt the delivery of for-

eign publications. Local phone, fax, and copy shops require users to turn over their identification cards when requesting to send faxes.

During the year, Radhia Nasraoui, a human rights lawyer, reported that the Government routinely cut her telephone service. In 2001 there were reports of the temporary disruption of cellular and landline service to prominent human rights and opposition leaders during the call-in portion of the Al-Mustaquella television program (*see* Section 2.a.).

The security forces routinely monitored the activities of political critics, and sometimes harassed, followed, questioned, assaulted or otherwise intimidated them, their relatives, and associates. Security forces continued to harass, assault, and intimidate members of the CNLT (*see* Sections 1.c, 2.b, and 4). For example, police place journalists who wrote articles critical of the Government, or who were active in human rights organizations, under surveillance (*see* Section 2.a.). Credible reports indicated that the children of activists were also harassed and beaten by police. For example, on June 14 a man attacked Amira Yahiaoui, daughter of Mokhtar Yahiaoui, with a club as she was leaving school. Witnesses believed the attacker to be a member of the police.

Human rights activists, lawyers, and other political activists also reported that they were under police surveillance. For example, police continued their heavy surveillance of the CNLT offices in Tunis (*see* Sections 2.b. and 4). In January LTDH president Mokhtar Trifi and committee member Neji Marzouk reported being subjected to body searches by border police when flying to Paris to attend a human rights conference. On February 7, Trifi also reported that his office was broken into and vandalized. Police refused to register his complaint, prompting Trifi's suspicion that the break-in was the work of "political police." During the year, both the home and offices of human rights lawyer Radhia Nasraoui continued to be under heavy surveillance.

Human rights activists claimed that the Government subjected the family members of Islamist activists, as well as other human rights activists, to arbitrary arrest, reportedly utilizing charges of "association with criminal elements" to punish family members for alleged crimes committed by the activists. Human rights activists reported that their family members were denied jobs, business licenses, and the right to travel due to their relatives' activism. Human rights activists also alleged that the relatives of Islamist activists who are in jail or living abroad were subjected to police surveillance and mandatory visits to police stations to report their contact with relatives. The Government maintained that the Islamists' relatives were members or associates of the outlawed an-Nahdha movement and that they correctly were subjected to legitimate laws prohibiting membership in or association with that organization.

There were no reports during the year that the Government refused to issue passports to family members of human rights activists. However, police seized the passport of Hamma Hammami's daughter during a trip to the country's north coast. Nejib Hosni and his family members no longer were denied their passports.

Human rights activists alleged that security forces arbitrarily imposed administrative controls on prisoners following their release from prison (*see* Section 1.d.) and confiscated national identity cards from numerous former prisoners. Confiscation of an identity card makes nearly every aspect of civil and administrative life difficult. An individual must have an identity card to receive access to healthcare, to sign a lease, to buy or drive a car, to have access to bank accounts, and pensions, and even to join a sports club. Police may stop anyone at anytime and ask for their identity card. If individuals are unable to produce cards, police may detain them until their identity can be established by a central fingerprint database. In 2000 a credible source claimed that the Government confiscated the national identity cards of as many as 10,000 persons who were either former prisoners convicted of membership in an-Nahdha or relatives of an-Nahdha members and their supporters.

The Government regularly prohibited the distribution of some foreign publications (*see* Section 2.a.). The security forces often questioned citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists (*see* Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press; however, the Government restricted these rights in practice. The Government used a central censorship office as well as indirect methods to restrict press freedom and encourage a high degree of self-censorship. The Government also uses the Press Code, which contains broad provisions prohibiting subversion and defamation, to prosecute individuals who express dissenting opinions. In a 2001 speech before the RCD, President Ben Ali stated that although the Govern-

ment must protect the right of citizens to hold dissenting opinions, those citizens who criticize the country in the international media were "traitors" who would be prosecuted to the full extent of the law. Direct criticism of government policies or officials was restricted, either directly or through self-censorship, but press discussions of sensitive democracy and human rights problems in general were permitted.

In 2001 the Chamber of Deputies approved several changes to the Press Code, which included the designation of the Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies as the central censorship office. However, with the abolishment of this ministry in September, the role of censor reverted to the Ministry of Interior. Opposition members and international observers viewed the changes to the Press Code as largely superficial—designed to give the appearance of liberalization while only making minor cosmetic changes, transferring a number of offenses from the Press Code to the Penal Code, making them subject to judicial review and streamlining the censorship process. The revisions provided that copies of newspapers published outside of Tunis could be deposited with local governors rather than at central Tunis offices. Newspapers were required to raise the percentage of journalists drawn from the Institute of Journalism (IPSI) on their editorial staff from 30 percent to 50 percent. In May the Tunisian Association of Journalists (AJT) released a widely disseminated report strongly criticizing the Government's control of the press and information sector.

In September, after the May replacement of Minister of Human Rights Slaheddine Maaoui by Fethis Houidi, the Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies was abolished. The portfolio was folded into a new Ministry of Justice and Human Rights under Minister of Justice Bechir Tekkari. Also in September, former university professor Harm Ben Salem was appointed General Coordinator for Human Rights in the newly designated ministry (*see* Section 4).

The Government detained, interrogated, and harassed local and international human rights activists (*see* Sections 1.c. and 4). On August 19, Islamist dissident and journalist Abdallah Zouari was arrested for violating the provisions of his administrative control. Zouari, a journalist for the an-Nahdha newspaper Al Fajr, originally was sentenced in 1991 to 11 years in prison for membership in an illegal organization. In June he was released under the condition he would serve out his 5 years of administrative control in the town of Zarzis (300 miles south of Tunis). Credible sources claimed his August arrest stemmed from his ignoring a July 15 letter from the Ministry of Interior ordering him to Zarzis. The Government denied Zouari ever held a press card or worked as a journalist and claimed his conviction was for possessing, making, and carrying ammunitions, weapons, and explosives as well as undermining state security. The court handed down an 8-month sentence (*see* Sections 1.e. and 4).

On May 16, border police at Tunis-Carthage airport refused entry into Tunis to French journalist Jean-Pierre Tuquoi, who had written items critical of the Ben Ali regime (*see* Section 4).

On June 4, Zouhair Yahiaoui was arrested and charged with spreading false information in relation to his opposition web magazine TUNeZINE. The magazine had published an online conference on the May 26 Constitutional referendum and asked respondents to vote whether they felt living in the country was like a prison. He also was alleged to have posted a rumor of an armed attack against the President. On June 20, Yahiaoui was sentenced to 2 years and 4 months in prison. During his July 10 appeal, the sentence was reduced to 2 years. Defense lawyers indicated they were given no opportunity to make arguments. In September Yahiaoui indicated he shared a cell that was 40 square meters with 80 persons and that they only had access to water for 30 minutes a day.

Although several independent newspapers and magazines—including several opposition party journals—existed, the Government relied upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. Primary among these methods was "depot legal," the requirement that printers and publishers provide copies of all publications to the Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies prior to distribution. However, with the abolishment of this ministry in September, use of "depot legal" reverted to the Ministry of Interior. The opposition Democratic Progressive Party (PDP) claimed that in January and August 2001 copies of its Al-Mawqif newspaper were removed from newsstands because they contained an article critical of the Government. Publication of the Al-Mawkif newspaper was delayed on several occasions. Since 1999 the Government has not permitted the Tunisian Bar Association to publish its internal bulletin. In March the Government seized opposition paper At-Tariq Al Jadid when editors tried to print a story critical of the constitutional reform plan.

Since 1994 the Government has refused to allow AI's local chapter to distribute textbooks on human rights written for high school students. Similarly, distributors must deposit copies of publications printed abroad with the Chief Prosecutor and the Ministry of Interior prior to their public release. While publishers need not wait for an authorization, they must obtain a receipt of deposit before distribution. On occasion such receipts reportedly were withheld, sometimes indefinitely. Without a receipt, publications may not be distributed legally.

The Press Code contains broad provisions prohibiting subversion and defamation, neither of which is defined clearly. The code stipulates fines and confiscation for failure to comply with these provisions. The Government routinely utilized this method to prevent distribution of editions of foreign newspapers and magazines that contained articles critical of the country.

The Government also reportedly withheld depot legal to remove from circulation books that it deemed critical of the Government. Unlike in previous year, there were no reports that the Government provided official texts on major domestic and international events and reprimanded publishers and editors who failed to publish these statements.

The Government also used indirect methods, such as newsprint subsidies and control of public advertising revenues, to encourage self-censorship in the media. The Tunisian Agency for External Communications effectively censored by selectively withholding advertising funds. There were credible reports that the Government withheld advertising orders, a vital source of revenues, from publications that published articles deemed offensive by the Government. For example, after Yahmed's Realities article, the Government pulled its ads from the magazine for a brief time (*see* Section 1.c.).

The Government exerted further control over the media by threatening to impose restrictions on journalists, such as refusing permission to travel abroad, withholding press credentials, and imposing police surveillance on those who wrote articles critical of the Government. In December journalist Hedi Yahmed was forced to resign from Realities after writing an article on prison conditions (*see* Section 1.c.).

Members of the security forces also reportedly questioned journalists regarding the nature of press conferences and other public functions hosted by foreigners that the journalists attended.

Several journalists from Al-Fajr, the publication associated with the outlawed an-Nahdha movement, remained in jail, serving sentences that were imposed in the early 1990s. The Government maintained that the arrests, indictments, and convictions were carried out in full accordance with the law. Visiting foreign journalists sometimes complained of being followed by security officials. In 2001 Reporters Without Borders (RSF) journalist Robert Menard was deported for disturbing the public order by distributing illegal information.

In November RSF released a study ranking countries by their level of press freedom. The country was ranked 128th out of 139 countries. At year's end, the Tunisian Newspaper Association remained expelled from the World Association of Newspapers (WAN).

The Government owned and operated the Tunisian Radio and Television Establishment (ERTT). The ERTT's coverage of government news was taken directly from the official news agency, TAP. There were several government-owned regional radio stations and two national television channels. A bilateral agreement with Italy permits citizens to receive the Italian television station RAI-UNO; since 1999 the broadcast of French television station France 2 remained suspended because of its critical coverage of the elections. Recent estimates placed the number of satellite dishes in the country at well over 200,000. The Government regulated their sale and installation. Many citizens received two satellite programs broadcast from London by members of the opposition: Al-Mustaquella and Zeitouna. The programs served as alternative sources for news and political opinion both through their satellite transmissions and Zeitouna's web site.

During the year, the Government encouraged greater use of the Internet and lowered Internet user and telephone connection fees. Journalists and students were entitled to a 25 percent reduction in Internet usage fees. In September the Government reported that there were 460,000 Internet users and 71,000 subscribers. During the year, the Government closed several public Internet stations citing complaints that minors were accessing "immoral" Web sites. Credible sources indicated some people who would otherwise subscribe have avoided doing so because of fears of government monitoring and censoring e-mail and Web site content. The Government also arrested some Web journalists. The Government used the Internet widely, with most government ministries and agencies posting information on readily accessible Web sites. However, the Government frequently blocked Web sites and on-line publications containing information critical of the Government posted by inter-

national NGOs, opposition parties, and foreign governments, including a report on Internet use in the country by Human Rights Watch. The five Internet service providers in the country remained under the control of the Tunisian Internet Agency, which regularly provided lists of subscribers to the Government. Human rights activists alleged that the agency regularly interfered with and intercepted their Internet communications. The Press Code, including the requirement that advance copies of publications be provided to the Government, applies to information shared on the Internet (*see* Section 4).

The Government limited academic freedom. Like journalists, university professors sometimes practiced self-censorship by avoiding classroom criticism of the Government or statements supportive of the an-Nahdha movement. Professors alleged that the Government utilized the threat of tax audits, control over university positions, and strict publishing rules to encourage self-censorship. The presence of police on campuses also discouraged dissent. Professors must inform the Ministry of Higher Education in advance of any seminars, including the list of participants and subjects to be addressed. Copies of papers to be presented in university settings or seminars must be provided to the Ministry in advance.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right. Groups that wish to hold a public meeting, rally, or march must obtain a permit from the Ministry of Interior by applying no later than 3 days in advance of the proposed event and submitting a list of participants. The authorities routinely approved such permits for groups that support government positions, but often refused permission for groups that express dissenting views. In addition to permits, registration also was used to control status and operations of NGOs.

During the year, LTDH activists continued to report government harassment, interrogation, property loss or damage, unauthorized home entry, and denial of passports. In October the LTDH reported disruptions to its regional elections in the southern town of Gabes and the northern town of Jendouba. Accounts of events differed but the LTDH maintained that ruling RCD party delegates objected to the voting procedures in Gabes and moved that the congress should be adjourned without completing the election. Members of the RCD threatened LTDH members with physical violence and police intervened, ultimately prohibiting the conclusion of the voting. Additionally, smaller LTDH offices reported difficulty in renting space to hold elections. Leaders maintained that hotel and hall managers have been threatened by police not to rent meeting space to them. Despite LTDH president Mokhtar Trifi's pledge to continue elections despite threats and violence, no new board was elected by year's end.

The CNLT reported that several dozen political police disrupted its plenary meeting on January 13 by surrounding the neighborhood in which they had planned to meet and preventing members from entering. Reports from a support committee for PCOT spokesman Hamma Hammami indicated that on January 20, police violently disrupted a meeting it attempted to hold at the LTDH branch in Sfax.

In February the Ministry of Interior refused to legally register the Democratic Forum for Labor and Liberties (FDTL). Since its founding in 1994, the FDTL, a center-left NGO of intellectuals, professionals, and political opposition members, has been trying to obtain legal status. In October it was recognized legally.

In February police searched the house of and arrested Salah Hamzaoui, head of a support committee for Hamma Hammami. Police warned him that opening his home to political meetings could expose him to legal/judicial proceedings. On May 22 police surrounded Hamzaoui's house when a Hammami support committee tried to meet there. Police prevented individuals from entering the house.

In August 2001, less than a week after Sihem Bensedrine's release from prison, police assaulted her and other activists outside the publishing house which Bensedrine directs.

Credible reports indicated that Lasaad Jouhri, a former Islamist prisoner, remained under close police surveillance and harassment throughout the year for his political involvement. Police questioned and warned those individuals speaking to him in public. In August five plainclothes police severely beat Jouhri in Tunis (*see* Section 1.c.).

In April government-sanctioned pro-Palestinian demonstrations erupted into spontaneous demonstrations mostly on university and high school campuses. Some reportedly resulted in violent confrontations between demonstrators and police, and several demonstrators were injured. For example, on April 5 police violently dispersed a nongovernment sanctioned, pro-Palestinian demonstration of approximately 300 civil society activists, lawyers, and human rights activists. Also in April, the LTDH reported that 15 students arrested during the demonstrations were mis-

treated in jail and forced to sign statements promising not to take part in demonstrations again.

Although the Constitution provides for freedom of association, the Government restricted this right by barring some political groups or parties based on religion, race, region of origin, or political orientation. On December 13, the Government banned 11 opposition and civil society groups from demonstrating against war with Iraq. Hundreds of riot police enforced the ban, though organizers indicated they had tried to coordinate the protest with authorities beforehand.

Presiding judges in trials of Islamists routinely refused to investigate claims that their confessions were extracted under torture. Human rights activists alleged that the Government extended its prosecution of Islamist activists to include family members who were not politically active (*see* Sections 1.c., 1.d., and 1.e.). Also, in some cases, several years lapsed after detention and before defendants were brought to trial.

The Government banned organizations that it claims threaten disruption of the public order and used this proscription to prosecute and harass members of the PCOT, CNLT, RAID and ban political parties.

On February 2, Hamma Hammami along with two co-defendants, Abdeljabar Madouri and Samir Taamallah, came out of over 3 years in hiding to file opposing briefs to their 1999 in absentia convictions for membership in an illegal organization and spreading false information aimed at undermining the public order. The charges stemmed from their membership in PCOT. Hammami's return drew some 400 supporters, international observers, journalists, human rights activists, lawyers, and diplomats to the court. Before presenting their appeal before the judge, Hammami, Madouri and Taamallah were seized by plainclothes police, handcuffed and dragged out of court. Upon realizing that Hammami had been removed forcibly, crowds that had gathered in the courtroom stood on benches and began chanting calls for 'political freedom' before singing the national anthem. Human rights lawyers agreed that the public display of support for Hammami in court was the first open and vocal demonstration of political dissent in several years. At one point, lawyers and supporters believed Hammami was being held upstairs in the courthouse and moved up the stairs intending to free him. Amidst the confusion, court officials locked an internal hall gate, preventing much of the crowd from leaving the courthouse and others from entering. There were reports that journalists and supporters were harassed, assaulted and arrested by police. Police reportedly confiscated some journalists' camera equipment.

c. Freedom of Religion.—The Constitution provides for the free exercise of other religions that do not disturb the public order, and the Government generally observed and enforced this right; however, it did not permit political parties based on religion, prohibited proselytizing, and partially limited the religious freedom of Baha'is. Islam is the state religion. The Constitution stipulates that the President must be a Muslim.

The Government recognized all Christian and Jewish religious organizations that were established before independence in 1956. Although the Government permitted Christian churches to operate freely, only the Catholic Church had formal recognition from the post-independence government. Since 1999 the Government has not permitted registration of a Jewish religious organization in Jerba; however, the group has been permitted to operate and it performs religious activities and charitable work unhindered.

The Government controlled and subsidized mosques and paid the salaries of prayer leaders. The President appointed the Grand Mufti of the Republic. The 1988 Law on Mosques provided that only personnel appointed by the Government may lead activities in mosques and stipulated that mosques must remain closed except during prayer times and other authorized religious ceremonies, such as marriages or funerals.

The Government did not permit the establishment of political parties based on religion, prohibited recognition of the an-Nahdha party, and prosecuted suspected party members on the grounds of membership in an illegal organization (*see* Sections 1.c., 1.d., 1.e., and 2.b.). The Government maintained tight surveillance over Islamists and members of the Islamic fundamentalist community. The Government revoked the identity cards of an estimated 10,000 to 15,000 Islamists and fundamentalists, which seriously disadvantaged them (*see* Section 1.f.).

According to reliable sources, the Government has refused to issue passports to Islamists and fundamentalists. The Government forbade the wearing of the hijab (headscarves worn by traditional Muslim women) in government offices. According to human rights lawyers, the Government regularly questioned Muslims who were observed praying frequently in mosques. Reliable sources report that the authorities

instructed imams to espouse government social and economic programs during prayer times in mosques.

The Government allowed the Jewish community freedom of worship and paid the salary of the Grand Rabbi. It also partially subsidized restoration and maintenance costs for some synagogues. In 1999 the Jewish community elected a new board of directors, its first since independence in 1956, but continued to await approval from the governor of Tunis. Once approval is obtained from the governor, the organization is expected to receive permanent status. At year's end, the board is still waiting for formal approval. However, the board reported no obstacles to conducting normal activities. The acting board has changed its name to the Jewish Committee of Tunisia. The Government permitted the Jewish community to operate private religious schools and allowed Jewish children on the island of Jerba to divide their academic day between secular public schools and private religious schools. The Government also encouraged Jewish expatriates to return for the annual Jewish pilgrimage to the historic El-Ghriba Synagogue on the island of Jerba. During the year, an international Jewish relief organization made trips to the country and reported no interference with its activities. In March a synagogue in the Tunis suburb of La Marsa was broken into and vandalized and in April a synagogue in Sfax also was vandalized. No injuries were reported and damage was minor. Both incidents were isolated, and the Government responded by increasing security at both sites.

On April 11, a terrorist attack outside the El-Ghriba synagogue killed 21 persons and severely damaged the interior of the synagogue. Approximately 2 weeks before the annual pilgrimage, the driver of a truck transporting liquid gas, Nizar Nawar, a 24-year-old citizen, detonated an explosive device while the truck stood at the synagogue compound wall, killing himself, 14 German nationals, 1 French national, and 5 other citizens. The Government initially claimed the explosion was an accident and immediately began repairing the wall and removing evidence. On April 22, after German authorities became involved in the investigation, the Government admitted that the incident was an attack. The Government provided increased security for the synagogue and encouraged pilgrims and tourists to visit El-Ghriba despite the attack.

The Government regarded the Baha'i faith as a heretical sect of Islam and permitted its adherents to practice their faith only in private.

In general the Government did not permit Christian groups to establish new churches, and proselytizing was viewed as an act against the public order. Foreign missionary organizations and groups operate but were not permitted to proselytize in the country. Authorities deported foreigners suspected of proselytizing and did not permit them to return. There were no reported cases of official action against persons suspected of proselytizing during the year; however, in 2001 there were reports materials distributed by Christian missionaries were confiscated from local secondary students.

Islamic religious education was mandatory in public schools; however, the religious curriculum for secondary school students also included the histories of Judaism and Christianity.

Religious groups were subjected to the same restrictions on freedom of speech and the press as secular NGOs. Although Christian groups reported that they were able to distribute previously approved religious publications in European languages without difficulty, they claimed that the Government generally did not approve either publication or distribution of Arabic-language Christian material. Moreover, authorized distribution of religious publications was limited to existing religious communities, because the Government viewed public distribution of both religious and secular documents as a threat to the public order and hence an illegal act.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and persons were free to change their place of residence or work at will; however, in practice the Government restricted the freedom of movement and foreign travel of those critical of it.

The 1998 amendments to the passport law transferred power for canceling passports from the Ministry of Interior to the courts; however, the amended law contained broad provisions that permit passport seizure on undefined national security grounds and deny citizens the right either to present their case against seizure or to appeal the judges' decision. By law the Ministry of Interior must submit requests to seize or withhold a citizen's passport through the Public Prosecutor to the courts; however, the Ministry of Interior routinely bypassed the Public Prosecutor to withhold passports from citizens. Credible reports indicated that the Public Prosecutor always deferred to the Ministry of Interior on such requests.

The Government arbitrarily withheld passports from citizens. According to reliable sources, the Government withheld many passports of members of the human rights community, including human rights lawyer Nejib Hosni, and PCOT student Nourredine Ben N'tiche, as well as many members of the Islamist community. According to credible sources, some political opponents in self-imposed exile were prevented from obtaining or renewing their passports in order to return (*see* Section 1.d.). According to reliable sources, the Government reportedly confiscated the passports of a small number of Christian converts. Abdallah Zouari, a journalist, who in June was released after serving an 11-year sentence for his association with an-Nahdha, in August was rearrested and sentenced to 8 months in prison for failing to abide by the Ministry of Interior's exile provision in his order of administrative control. Zouari, who is from Tunis, was ordered to live in Zarzis (300 miles south of the capital) (*see* Section 1.d.).

In January the Government prevented Mokhtar Yahiaoui, removed from the judicial bench in 2001 for speaking out against government interference in the judiciary, from traveling to Paris, to Geneva in April, and to Athens in June. Border police initially indicated that the reason for preventing his departure was due to the incorrect listing of judge as Yahiaoui's profession in his passport.

Hedi Bejaoui, another member of an-Nahdha, under administrative control since 1990, has been unable to travel for medical treatment due to the Government's seizure of his passport (*see* Section 1.d.).

On November 23, the Government again denied Sadri Khiari the right to travel to France to defend his dissertation. A support committee called Article 13, after the "freedom of movement" section of the Universal Declaration of Human Rights, was established in support of Khiari and others who were denied their right to travel.

The Constitution provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. It also expressly prohibits the extradition of political refugees. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. The Government acknowledged the UNHCR's determination of refugee status, which was accorded to 102 individuals during the year. During the year, the UNHCR processed 38 applications for asylum. The Government provided first asylum for refugees based on UNHCR recommendations. There was no pattern of abuse of refugees. Although a few refugees were deported during the year, none were forced to return to countries where they feared persecution.

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

The Constitution provides that the citizenry shall elect the President and members of the legislature for 5-year terms; however, there were significant limitations on citizens' right to change their government. In 1999 President Ben Ali was reelected for a third 5-year term in the country's first multi-party presidential elections. Official government results stated that Ben Ali won with 99.44 percent of the vote. The ruling RCD party's domination of state institutions and political activity precludes credible and competitive electoral challenges from unsanctioned actors. In February government proposed constitutional amendments were put forward in a program titled 'The Republic of Tomorrow,' which called for amending 38 of the Constitution's 76 articles. In a February 27 speech to the Chamber of Deputies, President Ben Ali said his aim was to "entrench the spirit of democracy and the multiparty system." As prescribed by the Constitution, President Ben Ali sought the input of the Constitutional Council and the Chamber of Deputies, and organized the national campaign for the first-ever referendum on May 26. While the process of proposing and passing the amendments technically followed the law, many observers viewed the amendments as an attempt to enable President Ben Ali to remain in office past his third 5-year term, conceivably until he reached the age of 75 in 2014.

On May 26, a national referendum, despite serious procedural questions, including the secrecy of the vote, passed with an officially reported 99.52 percent of the vote. A presidentially appointed election monitoring group presented a confidential report to the President regarding the election process, which reportedly substantiated numerous irregularities alleged by opposition parties.

The most substantive changes involved the six following articles of the Constitution: Article 15 originally tasked citizens with the responsibility for national defense. The amended version broadened this responsibility to include protection of the country's "independence, sovereignty, and integrity." Human rights activists believed that the new wording may be used to prosecute activists who criticize the regime abroad. Article 19 established a Chamber of Councilors as a second legislative chamber. The chamber would comprise 1–2 members elected from each governorate

(based on population), a second group of members chosen by the president from professional organizations and a third group appointed by the President from among national public figures. Article 39, originally limiting the president to three terms, was abolished. Changes to Article 40 raised the upper age limit of presidential candidates to 75. Article 41 granted the president judicial immunity upon leaving office for acts he undertook in the exercise of his duties. Lastly, Article 57 granted the Constitutional Council responsibility for determining if the president is unfit to govern and mandates that the President of the Chamber of Deputies is next in the line of succession to hold the presidency for between 45 and 60 days until new elections can be held.

The RCD party and its direct predecessor parties have controlled the political arena since independence in 1956. The RCD dominates the Cabinet, the Chamber of Deputies, and regional and local governments. The President appointed the Cabinet and the 24 governors. The Government and the party are integrated closely; the President of the Republic also is the president of the party, and the party's secretary general holds the rank of minister.

Narrowly written criteria in the Electoral Code greatly restrict the eligibility of persons to run for president. A candidate must receive the endorsement of 30 sitting deputies or municipal council presidents to be eligible to run.

The 182-seat Chamber of Deputies does not function as a counterweight to the executive branch; rather, it served as an arena in which the executive's legislative proposals are debated prior to virtually automatic approval. Debate within the Chamber is often lively and government ministers are summoned to respond to deputies' questions, although heated exchanges critical of government policy were not reported fully in the press. Regardless of the debate, the Chamber has a history of approving all government proposals; the Chamber does occasionally modify the proposed legislation. The new chamber will serve as an upper house and will function largely with similar duties of the Chamber of Deputies. It will have law-making authority.

The Electoral Code reserves 20 percent of the seats for the officially recognized, or legal, opposition parties distributed on a proportional basis to those parties that did not win directly elected district seats. For the 1999 elections, each party represented in the Chamber of Deputies received an annual public subsidy of approximately $42,000 (60,000 dinars), plus an additional payment of $3,500 (5,000 dinars) per deputy. The Government also provided campaign financing that corresponded to the number of district lists that each party presented. Moreover, with funding based on the number of seats in Parliament, the opposition parties had no interest in forming coalitions against the RCD, but concentrated instead on competing with each other for the largest possible share of the 20 percent of seats reserved for the opposition. During the elections, opposition parties found independent fundraising impossible, and those that published newspapers or magazines faced difficulties in obtaining paid advertisers. However, in 2001 the President announced a 50 percent increase in allowances given by the Government to opposition newspapers. Each opposition newspaper received $105,000 (150,000 dinars) annually. The Government did not permit the establishment of political parties on the basis of religion and uses the prohibition to refuse recognition of the an-Nahdha party and to prosecute suspected members on the grounds of membership in an illegal organization (*see* Sections 2.b. and 2.c.). On October 25, the Democratic Forum for Labor and Liberties (FTDL) was legalized, 8 years after first applying for recognition.

During the 4 month long campaign for the constitutional referendum, the Government gave opposition parties rare television time to present their positions.

Twenty-one of the 182 Deputies elected were women, up from 13 of 163 deputies in the previous Chamber. There were six women in the Cabinet. Fourteen women held the position of deputy governor within the 24 governorates. Three women served as president of chambers on the 22-member Court of Cassation, which is the highest court of appeal.

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

The LTDH is the most active independent advocacy organization, with 41 branches throughout the country. The organization receives and researches complaints and protests individual and systemic abuses. During the year, LTDH members and other human rights activists reported government beatings, harassment, interrogations, property loss or damage, unauthorized home entry, and denial of passports.

In September a delegation of Dutch lawyers were denied entry into the country to protest the lack of an independent judiciary and support for the Tunisian Bar

Association. On October 26, the Government refused entry to a delegation from the International Commission of Jurists (ICJ).

In February Khemais Ksila was sentenced in absentia to 10 years in prison and fined $3,600 (TD 5,000) for attempted rape. Observers believed that the case received a disproportionate amount of press coverage throughout the latter half of 2001, aimed at discrediting Ksila before he had the opportunity to present evidence on his behalf. In 2001 LTDH vice president Souhayr Belhassen was criticized heavily in the press for her work on a human rights commission investigating abuses in Iraq. The report had not been released by year's end.

There were numerous additional reports during the year of police attacking human rights activists, journalists, and others critical of the Government (*see* Sections 1.c., 2.a., and 2.b.). During the year, LTDH activists continued to report government harassment, interrogation, and property loss or damage. In previous years, the LTDH had reported unauthorized home entries and denial of passports. During the year, the LTDH reported that some of its regional elections were disrupted by RCD activists. By year's end, incomplete regional results precluded national elections from taking place (*see* Section 2.b.).

Since 1998 the Government has refused to authorize CNLT registration as an NGO. The court has not yet acted on the 1999 administrative appeal filed by the CNLT's founders. CNLT issued statements criticizing government human rights practices. Government officials stated that, by publishing communiques in the name of an unregistered NGO, CNLT members violated the Publications Code (which requires that advance copies be provided to the Government), belonged to an illegal organization, and threatened public order. Some CNLT members still are unable to obtain passports (*see* Sections 1.f. and 2.d.).

In March the European Parliament adopted a resolution condemning human rights violations in Tunisia and calling for the release of Hamma Hammami and his co-defendants (*see* Section 2.b.).

Citing no guarantees of a fair trial and the threat of mistreatment, members of the European Parliament and international human rights NGOs objected to the Government's December request for extradition from France of dissident Khemais Toumi. Toumi had been convicted in absentia in 1997 and sentenced to 5 years in prison. On December 6, he was arrested in France and his extradition remained pending at year's end.

International observers were permitted to monitor trials, and they reported that the Government generally permitted them to conduct such monitoring (*see* Section 1.e.).

The Government reportedly blocked access to the Internet Web sites of most human rights organizations (*see* Section 2.a.). Human rights activists and lawyers complained of frequent interruptions of postal and telephone services (*see* Section 1.f.).

AI continued to maintain a local chapter though members complained that the office suffered repeated loss of telephone and fax service. Persons who were considering joining the chapter reported that security officials discouraged them from doing so. AI officials reported that they were under periodic police surveillance and that there was interference with their mail. In 2001 police assaulted and detained two foreign delegates from AI (*see* Section 1.d.).

Human rights offices in certain ministries and a governmental body, the Higher Commission on Human Rights and Basic Freedoms, addressed and sometimes resolved human rights complaints. The Higher Commission submits confidential reports directly to President Ben Ali. In September the Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies was replaced by a new Ministry of Justice and Human Rights under Minister of Justice Bechir Tekkari and former university professor Hatem Ben Salem was appointed General Coordinator for Human Rights in the new ministry (*see* Section 2.a.). In 2001 the Government announced the establishment of a documentation center for human rights; however, at year's end, there was no indication that it was operating.

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

The Constitution provides that all citizens shall have equal rights and responsibilities and be equal under the law, and the Government generally respected these rights in practice. Legal discrimination was not pervasive, apart from that experienced by women in certain areas, such as inheritance, which is governed by Shari'a.

Women.—Violence against women occurs, but there are no comprehensive statistics to measure its extent. In 2000, according to a family court judge, women file approximately 4,000 complaints of domestic violence each year, but later drop approximately half of those complaints. There have been no recent estimates as to the number of these complaints. The Tunisian Democratic Women's Association operates

a counseling center for women who are victims of domestic violence. The center assists approximately 20 women per month. The National Union of Tunisian Women (UNFT) is a government-sponsored organization that runs centers to assist women and children in difficulty. Instances of rape or assault by someone unknown to the victim are rare. Police officers and the courts tend to regard domestic violence as a problem to be handled by the family. Nonetheless, there are stiff penalties for spousal abuse. Both the fine and imprisonment for battery or violence committed by a spouse or family member are double those for the same crimes committed by an individual not related to the victim.

Rape is specifically prohibited by the Penal Code. There is no legal exception to this law for spousal rape, but in part due to social stigma there were no reports of spousal rape being prosecuted.

Prostitution is prohibited by the Penal Code specifically, but charges against individuals are rare. There have been no reported cases of trafficking, forced prostitution, or sex tourism.

Women enjoyed substantial rights and the Government has made serious efforts to advance those rights, especially in the areas of property-ownership practices and support to divorced women. Either the mother or father may convey citizenship to a child.

Muslim women were not permitted to marry outside their religion. Marriages of Muslim women to non-Muslim men abroad were considered common-law, which are prohibited and thus void when the couple returns to the country. Non-Muslim women who marry Muslim men were not permitted to inherit from their husbands, nor may the husbands and any children (who are considered to be Muslim) from the marriage inherit from the non-Muslim wife. Some Christian converts reported difficulty in having their civil marriages recognized.

Most property acquired during marriage, including property acquired solely by the wife, still is held in the name of the husband. Inheritance law, based on Shari'a and tradition, discriminates against women, and women still face societal and economic discrimination in certain areas, such as private sector employment.

Sexual harassment is prohibited specifically by the Penal Code.

Women comprised approximately 29 percent of the work force. There are an estimated 5,000 businesses headed by women, which is an increase from 3,900 in 2000. Women served in high levels of the Government as cabinet ministers or secretaries of state; there currently are six women who hold these positions. Women constituted 37 percent of the civil service and 24 percent of the nation's total jurists. Women held 14 deputy governorships in the country's 24 governorates (or administrative regions). Approximately 51 percent of university students enrolled in the 2000–2001 academic year were women.

The law explicitly requires equal pay for equal work. Although there are no statistics comparing the average earnings of men and women, generally women and men performing the same work are believed to be paid the same wages.

While the rate of illiteracy has dropped markedly in both rural and urban areas, the rate of female illiteracy in all categories is at least double that of men. Among 10- to 14-year-old children, 5.5 percent of urban girls are illiterate, compared with 2.2 percent of urban boys, and 27 percent of rural girls compared with less than 7 percent of rural boys.

Several NGOs focused, in whole or in part, on women's advocacy, or research women's issues, and a number of attorneys represent women in domestic cases.

There is a separate Ministry for Women's Affairs, Family and Childhood, with a relatively large budget nearly 3 percent of the total budget of $2 million (3 million dinars) supporting its mission to ensure the legal rights and improve the socioeconomic status of women. The Government supported and funded the (UNFT), women's professional associations, and the Government's Women's Research Center.

Children.—The Government demonstrated a strong commitment to free and universal public education, which is compulsory until age 16. Approximately 80 percent of boys attend until that age in urban areas and 60 percent of boys and girls in rural areas. Primary school enrollment for the scholastic year was slightly less than the preceding year's, reflecting a decline in the birth rate; secondary school enrollment showed an increase of 8 percent, which appeared equally divided between boys and girls. The Government reported that 99.1 percent of children attend primary school full-time. The Government sponsored an immunization program targeting preschool-age children, and reported that more than 95 percent of children are vaccinated.

Penalties for convictions for abandonment and assault on minors are severe. There was no societal pattern of abuse of children. Following the September cabinet reshuffle, there were two ministries responsible for rights of children. The Ministry of Women's Affairs, Family and Childhood and the Ministry of Culture, Youth and

Leisure. Each have secretaries of state responsible for guaranteeing the rights of children. In April the Chamber of Deputies adopted a law to complete the Code for the Protection of Children creating a 'Parliament of the Child' to teach children civic responsibility.

There were no reports of child prostitution.

Persons with Disabilities.—The law prohibits discrimination based on disability and mandates that at least 1 percent of the public and private sector jobs be reserved for persons with disabilities. All public buildings constructed since 1991 must be accessible to persons with physical disabilities. Many cities, including the capital, began installing wheelchair access ramps on city sidewalks. The Government issued special cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The Government provided tax incentives to companies to encourage the hiring of persons with physical disabilities.

The law includes provisions prohibiting discrimination against persons with mental disabilities. Several active NGOs provide educational, vocational, and recreational assistance to children and young adults with mental disabilities. Some were funded by the Government and international organizations.

Indigenous Persons.—The Government estimated that the small Amazigh (Berber) minority constitutes less than 3 percent of the population. Some older Amazighs have retained their native language, but the younger generation has been assimilated into local culture through schooling and marriage. Amazighs were free to participate in politics and to express themselves culturally.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide the right of workers to organize and form unions. The Government generally respected this right. The Tunisian General Federation of Labor (UGTT) is the country's only labor federation. Approximately 15 percent of the 3.3 million person work force, including civil servants and employees of state-owned enterprises, are members, and a considerably larger proportion of the work force is covered by union contracts. A union may be dissolved only by court order.

The UGTT and its member unions legally are independent of the Government and the ruling party, but operate under regulations that restrict their freedom of action. The UGTT's membership included persons associated with all political tendencies, although Islamists have been removed from union offices. There were credible reports that the UGTT receives substantial government subsidies to supplement modest union dues and funding from the National Social Security Account. While regional and sector-specific unions operate with some independence on local issues, the central UGTT leadership generally cooperated with the Government regarding its economic reform program. Throughout the year the UGTT board showed some independence regarding economic and social issues and to support greater democracy.

The law prohibited antiunion discrimination by employers. However, the UGTT claims that there is antiunion activity among private sector employers, especially firing of union activists and using temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers account for a large majority of the work force. The Labor Code protects temporary workers, but enforcement is more difficult than in the case of permanent workers. A committee chaired by an officer from the Labor Inspectorate of the Office of the Inspector General of the Ministry of Social Affairs and Solidarity, and including a labor representative and an employers' association representative, approves all worker dismissals.

Unions were free to associate with international bodies. The UGTT is a member of the International Confederation of Free Trade Unions (ICFTU), Confederation of Arab Trade Unions, and Confederation of African Trade Unions; many individual unions are affiliated with relevant international sectoral confederations.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is protected by law and observed in practice. Wages and working conditions are set in triennial negotiations between the UGTT member unions and employers. Forty-seven collective bargaining agreements set standards for industries in the private sector and cover 80 percent of the total private sector workforce. Each agreement was negotiated by representatives of unions and employers in the area the agreement encompasses. The Government's role in the private sector negotiations was minimal, consisting mainly of lending its good offices if talks appear to be stalled. However, the Government must approve (but may not modify) the agreements. Once approved the agreements set standards for all employees, both union

and nonunion, in the areas that they cover. The UGTT also negotiated wages and work conditions of civil servants and employees of state-owned enterprises. The Government is the partner in such negotiations. In October the Government completed a series of triennial labor negotiations with the UGTT and UTICA (the private sector's employer's association). Negotiations were protracted and complex but resulted in a compromise of a 5 percent wage hike across most sectors. The agreements signed in 2000 provided for annual wage increases ranging from four to six percent.

Unions, including those representing civil servants, have the right to strike, provided that they give 10 days advance notice to the UGTT and it approves of the strike. The ICFTU has characterized the requirement for prior UGTT approval of strikes as a violation of worker rights. However, such advance approval rarely was sought in practice. There were numerous short-lived strikes over failure by employers to fulfill contract provisions regarding pay and conditions and over efforts by employers to impede union activities. While the majority of the strikes technically were illegal, the Government did not prosecute workers for illegal strike activity, and the strikes were reported objectively in the press. The law prohibited retribution against strikers.

Labor disputes were settled through conciliation panels in which labor and management are represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

There were export-processing zones (EPZs) in the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor by children, and the Government generally enforced this prohibition effectively; however, some families of teenage girls placed them as household domestics to collect their wages (*see* Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. The minimum age for light work in the nonindustrial and agricultural sectors is 13 years. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. Children between the ages of 14 and 16 in nonagricultural sectors may work no more than 2 hours per day. The total time that children spend in school and work may not exceed 7 hours per day. The minimum age for hazardous or manual labor is 18. Inspectors of the Ministry of Social Affairs and Solidarity examined the records of employees to verify that employers comply with the minimum age law. There were no reports of sanctions against employers. Nonetheless, young children often performed agricultural work in rural areas and worked as vendors in urban areas, primarily during the summer vacation from school.

Observers have expressed concern that child labor continued to exist, disguised as apprenticeship, particularly in the handicraft industry, and in the cases of teenage girls whose families place them as household domestics in order to collect their wages. There were no reliable statistics on the extent of this phenomenon; however, an independent lawyer who conducted a study of the practice in 2000 concluded that hiring of underage girls as household domestics has declined with increased government enforcement of school attendance and minimum work age laws. The law prohibits forced and bonded child labor, and the Government generally enforces this prohibition effectively (*see* Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Code provides for a range of administratively determined minimum wages, which are set by a commission of representatives from the Ministries of Social Affairs and Solidarity, Development and International Cooperation, and Finance, in consultation with the UGTT and the Employers' Association. The President approved the commission's recommendations. In June the industrial minimum wage was raised to $147.43 (200.5 dinars) per month for a 48-hour workweek and to $129.34 (175.9 dinars) per month for a 40-hour workweek. The agricultural minimum wage is $4.45 (6.059 dinars) per day. When supplemented by transportation and family allowances, the minimum wage provides for a decent standard of living for a worker and family, but covering only essential costs. The Labor Code sets a standard 48-hour workweek for most sectors and requires one 24-hour rest period per week.

Regional labor inspectors are responsible for enforcing wage and hour standards. They inspect most firms about once every 2 years. However, the Government often encountered difficulty in enforcing the minimum wage law, particularly in nonunionized sectors of the economy. Moreover, more than 240,000 workers were employed in the informal sector, which falls outside the purview of labor legislation.

The Ministry of Social Affairs and Solidarity has responsibility for enforcing health and safety standards in the workplace. There were special government regulations covering such hazardous occupations as mining, petroleum engineering, and construction. Working conditions and standards tend to be better in firms that are

export oriented than in those producing exclusively for the domestic market. Workers were free to remove themselves from dangerous situations without jeopardizing their employment, and they may take legal action against employers who retaliate against them for exercising this right.

The few foreign workers have the same protections as citizen workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, it does prohibit slavery and bonded labor. Trafficking in persons generally was not a problem; however, in June eleven people drowned off the north coast near Kelibia (55 miles northeast of Tunis) trying to swim to a boat smuggling people to Italy. Police arrested 70 persons who had boarded the ship, the captain, and several of the organizers of the smuggling ring. Defendants claimed they had paid up to $710 (970 dinars) each to a smuggling network to cross the Mediterranean to Italy. In July five defendants accused of organizing the smuggling ring were convicted and sentenced to 6 years in prison each. The 70 who attempted to immigrate illegally were fined $150 (205 dinars) each.

In September the bodies of 10 illegal immigrants washed ashore in Sicily. Fifty more immigrants were rescued from the sea after being thrown overboard by their smugglers. The Italian Navy arrested the 27-year-old citizen captain of the boat. All on board were local nationals.

In October the Government hosted a ministerial conference on migration throughout the western Mediterranean. The conference included ministers from Algeria, Spain, France, Italy, Libya, Malta, Morocco, Mauritania, and Portugal and resulted in the "Tunis Declaration," aimed at combating illegal migration.

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven emirates established in 1971. None has any democratically elected institutions or political parties. Traditional rule in the emirates generally has been patriarchal, with political allegiance defined in terms of loyalty to the tribal leaders. There are no general elections, but citizens may express their concerns directly to their leaders through traditional mechanisms, such as the open majlis, or council. In accordance with the 1971 Constitution, the seven emirate rulers constitute a Federal Supreme Council, the highest legislative and executive body. The Council selects a President and Vice President from its membership; the President in turn appoints the Prime Minister and Cabinet. In December 2001, the Council reelected Shaikh Zayed bin Sultan al-Nahyan as head of the state for 5 years. The Constitution requires the Council to meet annually, although individual leaders met frequently in more traditional settings. The Cabinet manages the Federation on a day-to-day basis. A consultative body, the Federal National Council (FNC), consisting of 40 advisors appointed for 2-year terms by the emirate rulers, reviews proposed legislation, discusses the annual budget, and may question federal government ministers in open sessions. Each emirate retains control over its own oil and mineral wealth, some aspects of internal security, and some regulation of internal and external commerce. The federal government asserts primacy in matters of foreign and defense policy, some aspects of internal security, and increasingly in matters of law and the supply of some government services. The judiciary generally was independent, but its decisions were subject to review by the political leadership.

Each emirate maintained its own independent police force. While all emirate internal security organs theoretically were branches of one federal organization, in practice they operate with considerable independence. There were no reports that security forces committed human rights abuses.

The country has a free market economy based on oil and gas production, trade, and light manufacturing. The local government in each emirate owns the petroleum production enterprise in that emirate. Most of the country's petroleum resources were located in Abu Dhabi, the largest emirate by area. The Emirate of Dubai was likewise an oil producer, as well as a growing financial, commercial, and tourism center in the region. The remaining five emirates had negligible resources and therefore depended in varying degrees on federal government subsidies. The economy provided citizens with a high per capita income, but it was heavily dependent on foreign skilled and unskilled workers. The expatriate population amounted to more than 80 percent of the estimated 3.9 million population in the country.

The Government generally respected its citizens' rights in some areas; however, its record was poor in other areas. Citizens did not have the right to change their government. The Government restricted the freedoms of speech and of the press. The press continued to avoid direct criticism of the Government and exercised self-

censorship. The Government restricted the freedoms of assembly and association, and imposed some restrictions on freedom of religion. The Government restricted the rights of workers, some of whom were not protected by labor laws. There were no labor unions. There were reports of poor working conditions, failure to pay wages, and abuse of foreign domestic servants in an economy in which 98 percent of the private sector workforce was foreign. The Ministry of Labor and Social Affairs intensified the inspection of establishments to ensure compliance with the labor laws and ferret out violators. Trafficking in women and children continued to be a problem. Beginning September 1, the Government implemented and enforced a ban against the use of juvenile camel jockeys, a number of whom were trafficked to the country from South Asia.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents during the year. There were no developments in the case of Libyan national Abdullah Abu al Ghazali, who died while in security force custody in September 2001. According to Amnesty International (AI), al-Ghazali's wife was informed that her husband had committed suicide while in detention. At year's end, there was no new information on the investigation of this case.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and there were no reports that government officials employed it.

Shari'a (Islamic law) courts (except in Dubai) frequently imposed flogging on Muslims found guilty of adultery, prostitution, and drug or alcohol abuse. In practice flogging was administered in accordance with Shari'a to prevent major or permanent injuries. Convictions in the Shari'a courts did not necessarily require the imposition of Shari'a penalties on non-Muslims, but such sentences were carried out in a few cases. According to AI, in 2001, at least 18 flogging sentences were passed in cases of adultery.

Prison conditions reportedly were mixed, depending on the location. Dubai and Abu Dhabi prison conditions generally met international standards; however, rural prison conditions at times were inadequate. Men and women were housed separately. Pretrial detainees were kept separately from convicted criminals until the trial begins. Juveniles were housed separately from adults.

There was no independent monitoring of prison conditions. There was no information that the International Committee of the Red Cross (ICRC) requested or was denied access to prisons for independent monitoring.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, search, detention, or imprisonment. The law permits incommunicado detention; in the past, the Government generally used it in allegedly sensitive criminal cases in which the police claimed that communication between the accused and a third party could jeopardize their investigation. In such cases, no one was notified that the person had been arrested and was being held, which could amount to forced disappearance.

The law prohibits arrest or search without probable cause.

Under the Criminal Procedures Code, the police must report arrests within 48 hours to the Public Prosecutor, who must determine within the next 24 hours whether to charge, release, or order further detention pending an investigation. The Public Prosecutor may order that detainees be held for 7 days with the discretion to extend detention for another 14 days. For additional detention without charge in cases of felonies or misdemeanors punishable by imprisonment, the authorities must obtain a court order. A court-ordered extension may not exceed an additional 30 days of detention without charge and is granted only upon a showing by the authorities of sufficient evidence that the defendant committed the offense.

The country was a signatory to the Vienna Convention. However, at times some foreign diplomats complained that the authorities did not notify them when their citizens were detained or arrested, and that they only discovered the detention or arrest by word of mouth, by periodic prison visits, or because of an inquiry from the citizen's family as to the citizen's whereabouts.

In concert with other governments, there were arrests and detention in 2001 of numerous individuals suspected of ties to extremist groups. Most of them were released.

The Federal Constitution provides accused persons the right to a speedy trial. This right most often is invoked in civil cases, with civil defendants at times demanding same-day disposition of the cases filed against them. Authorities generally brought criminal defendants to trial in a reasonable time, with the exception of drug-related cases. In drug-related cases, the authorities were required to inform the office of the ruler for the emirate in which the offense was committed of the charges.

Trials could last a substantial period of time, depending on the seriousness of the charges, number of witnesses, and availability of judges. Rape cases sometimes took more than 1 year to get to trial. There was no formal system of bail, but the authorities temporarily could release detainees who deposited money, an important document such as a passport, or an unsecured personal guarantee statement signed by a third party. Those arrested on regular charges were generally allowed to telephone third parties while in detention.

Defendants in cases involving loss of life, including involuntary manslaughter, could be denied release in accordance with the law. However, bail usually was permitted after a payment of compensation, which was a form of financial penalty imposed on defendants in criminal cases involving a killing.

Review of criminal cases by the local ruler's diwan and bureaucratic delays in processing prisoners or releasing them at times could result in detainees serving additional, unnecessary time in the central prisons.

The rulers of the various emirates regularly pardoned prisoners on religious and national holidays. Those pardoned generally were serving sentences from 3 to 5 years for financial crimes, immigration violations, and other minor offenses; pardons reportedly were not extended to prisoners convicted of murder, rape, and kidnaping. Most of the pardoned foreign nationals were to be deported, while those jailed for financial crimes were to be given a grace period to settle amounts still owed.

The Constitution prohibits forced exile, and it was not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary; however, its decisions were subject to review by the political leadership.

Most judges were noncitizen Arabs, whose mandate was subject to periodic renewal by the Government. The percentage of citizens serving as public prosecutors and judges, particularly at the federal level, continued to grow.

There is a dual system of Shari'a (Islamic) courts for criminal and family law matters and secular courts for civil law matters. The civil courts generally were part of the federal system, except in the Dubai and Ras Al-Khaimah Emirates, and were answerable to the Federal Supreme Court located in Abu Dhabi, which had the power of judicial review as well as original jurisdiction in disputes between emirates or between the federal government and individual emirates. The Emirates of Dubai and Ras Al-Khaimah had their own local and appellate courts, which had jurisdiction over matters within their territory that the Constitution or federal legislation did not specifically reserve to the federal system. The Emirates of Dubai and Ras Al-Khaimah did not refer cases in their courts to the Federal Supreme Court located in Abu Dhabi for judicial review, although they maintained a liaison with the federal Ministry of Justice, Islamic Affairs, and Awqaf.

Each emirate administered Shari'a courts. In some emirates, in addition to family matters, these courts considered all types of civil and commercial cases as well as serious criminal cases. They acted in accordance with traditional Islamic law and practice, but also were required to answer to the Federal Supreme Court. Dubai had a special Shi'a council to act on matters pertaining to Shi'a family law (*see* Section 5).

Legal counsel may represent defendants in both court systems. Under the Criminal Procedures Code, the accused has a right to government-provided counsel in all cases involving a capital crime or possible life imprisonment regardless of whether the defendant is financially able to hire counsel. The Government provides counsel to indigent defendants charged with felonies punishable by "provisional imprisonment" or imprisonment of 3–15 years.

The right to legal counsel was interpreted to provide that the accused was entitled to an attorney only after the police had completed their investigation. Thus, police could question accused persons sometimes for days or weeks, as in narcotics cases, without benefit of legal counsel.

Defendants are presumed innocent until proven guilty. There were no jury trials. The number of judges sitting for a case depended on the type of crime alleged. Generally three judges sat for felony criminal cases and one judge sat in all other cases. All trials were public, except for national security cases and those deemed by the judge likely to harm public morality.

Each court system has an appeals process. Death sentences may be appealed to the ruler of the emirate in which the offense was committed or to the President of the Federation. Non-Muslims who are tried for criminal offenses in Shari'a courts could receive civil penalties at the discretion of the judge. Shari'a penalties imposed on non-Muslims could be overturned or modified by a higher court.

In cases in which a defendant is acquitted of a crime, the prosecutor may appeal the acquittal to a higher court. If the case is appealed, the higher court reviews the case and may receive more and new evidence. If convinced of the defendant's guilt, the appellate court may set aside the lower court's verdict of not guilty and enter a verdict of guilty with an order that the defendant pay compensation. The appellate standard for overturning an acquittal is reportedly "without the slightest doubt of guilt."

In cases in which a defendant is sentenced to death, the sentence may be reduced to a term of imprisonment if the victim or victim's family provides a statement to the court forgiving the defendant. This waiver by the victim or victim's family was sometimes made in exchange for "diya," a financial payment from the defendant. The term of imprisonment in criminal cases was not related to the defendant's payment of compensation to the victim or victim's family.

The local rulers' diwans, following traditional prerogatives, maintained the practice of reviewing many types of criminal and civil offenses before cases were referred to the prosecutor's office. However, this practice was not as prevalent during the year, and such cases usually were referred directly to the prosecutor's office. The diwans may review sentences passed by judges and reserve the right to return cases to the courts on appeal. The diwans' involvement, which typically occurred when the case involved parties from two different emirates or a citizen and a noncitizen, could lead to long delays prior to and following the judicial process, causing some prisoners to remain in prison after they had completed their sentences. Unlike in the past, there were no reports of intervention by other emirates' rulers in specific cases of personal interest.

The military has its own court system based on western military judicial practice. Military tribunals try only military personnel. There was no separate national security court system. Convicted criminals may request a pardon at any time, except if convicted of serious offenses such as murder.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits entry into homes without the owner's permission, except in accordance with the law. Only police officers and public prosecutors carrying a warrant were permitted entry into homes. If the authorities entered a home without a warrant, their actions were considered illegal, and the evidence obtained thereby was suppressible. Officers' actions in searching premises were subject to review, and officers were subject to disciplinary action if they acted irresponsibly. Local custom and practice place a high value on privacy, and entry into private homes without the owner's permission was rare. A female police officer was required to be present during the search of a private home when male family members were absent. There was no known surveillance of private correspondence, although there have been cases of incoming international mail being censored.

Family matters for Muslims are governed by Shari'a law and the local Shari'a courts. As such, Muslim women are forbidden to marry non-Muslims. However, in addition to marrying Muslim women, Muslim men are free to marry women "of the book," that is Christian or Jewish women.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech; however, the Government restricted this right in practice. Freedom of the press was restricted.

The law specifically prohibits criticism of the Government, ruling families, and friendly governments that threaten social stability under penalty of imprisonment. However, the law was rarely enforced because journalists practiced self-censorship, and there were no such cases reported during the year.

The country's three English-language newspapers were privately owned, as were three of its six Arabic-language newspapers; however, all privately owned newspapers received government subsidies. Newspapers often relied on news agencies for reporting and news. The Government-owned Emirates News Agency regularly provided all newspapers with themes for editorials and with articles regarding domestic and international issues, which then usually were printed verbatim.

By law the Ministry of Information must license all publications. The Ministry also approves the appointment of editors. The law governs content and contains a

list of proscribed subjects. Government officials reportedly warned journalists when they published material deemed politically or culturally sensitive.

Journalists engaged in critical investigative reporting on government policy, the ruling families, national security, religion, and relations with neighboring states only if given at least implied permission to report on such matters. During the year, there were no such articles that received widespread attention.

In September 2000, the Government banned 10 prominent citizens, including 4 university professors, from publishing opinion pieces in the country's Arabic and English language press and from giving local television interviews. In April 2001, in response to inquiries by the FNC, the Minister of Information stated that no written ban existed. Reports indicated, however, that a "de facto" ban promoted by the Government continued to exist, prohibiting those banned from writing articles or granting interviews, despite remarks by government officials to the contrary.

Emirates Media, which published Al-Ittihad newspaper and owned Abu Dhabi's radio and television stations, forbade all its employees, including journalists, from speaking with representatives of foreign diplomatic missions without prior approval, although the rule was not enforced in practice.

A press club in Dubai provided facilities for the international press, including access to information, and served as a site for discussions between political figures and journalists. While self-censorship conditions what was reported, foreign journalists and news organizations, including Reuters and CNN operating out of Dubai Media City, part of the Dubai Technology, Electronic Commerce and Media Zone (TECOM), reported that they experienced little to few or no restrictions on the content of print and broadcast material produced for use outside the country.

In January the Dubai Press Club invited 18 international press clubs to form the International Association of Press Clubs, of which Dubai would be the permanent secretariat.

All television and radio stations were government-owned and conformed to government reporting guidelines; however, these unpublished guidelines were not always applied consistently. Satellite receiving dishes were widespread and provided access to international broadcasts without apparent censorship. The main pan-Arab dailies were not censored and were distributed on the same day of publication. Censors at the Ministry of Information and Culture reviewed imported newspapers, magazines, periodicals, books, films, and videos; they banned or censored before distribution any material considered pornographic, violent, derogatory to Islam, supportive of certain Israeli government positions, unduly critical of friendly countries, or critical of the Government or the ruling families.

According to a press report, local access to the Internet, which was open to public use with an estimated 1 million users, was through a state-owned monopoly. However, the public was reportedly increasingly in favor of ending this monopoly and opening the market to more companies. A proxy server blocked material regarded as pornographic or as promoting radical Islamic ideologies and antigovernment sites. In most cases, the proxy server did not appear to block news services, political expression unrelated to radical Islam, or material originating from specific countries. The Internet monopoly solicited suggestions from users regarding "objectionable" sites, and at times the Government responded by briefly blocking some politically oriented sites, which were, after an apparent review, later unblocked. The monopoly also blocked commercial "voice-chat" sites on the Internet.

The ban on criticism of the Government also restricts academic freedom. Academic materials destined for schools in the country were subject to censorship. For example, male and female students were banned from reading texts in which the human body was pictured or sexuality was featured (*see* Section 5). In February the Ministry of Education and Youth listed 26 books prohibited in schools (although such books were widely available in bookstores), and obligated private schools to comply with the Ministry of Education and Youth's censorship rules regarding curricula and textbooks.

There were no specific cases reported regarding restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Government restricted freedom of peaceful assembly. Organized public gatherings required a government permit, which rarely was granted. In practice, however, the Government rarely interfered with informal gatherings held without a government permit in public places unless complaints were made.

There were a number of organized gatherings of workers before the Ministry of Labor & Social Affairs complaining of unpaid wages. There also were a number of peaceful marches and rallies conducted in support of the Palestinian cause.

Each emirate determined its own practice on public gatherings.

Citizens normally confined their political discussions to the numerous gatherings or majlises, which were held in private homes. There were a multitude of associa-

tions organized for economic, religious, labor, social, cultural, sports, and other purposes.

The Government does not permit freedom of association without prior permission; however most types of associations were allowed without prior permission.

Unauthorized political organizations are prohibited. There were no political parties, independent human rights groups, or trade unions (*see* Sections 3, 4, and 6.a.).

All nongovernmental organizations (NGOs) must be registered with the Ministry of Labor and Social Affairs; however, a number of unregistered local NGOs operated in the country. NGOs in the country focused on a multitude of issues, including women's issues, the environment, natural history and archaeology. The Jurists Association's Human Rights Committee focused on local and regional human rights issues. The percentage of citizen membership in NGOs varied widely. Also, all private associations, including children's clubs, charitable groups, and hobby associations, must be approved and licensed by local authorities, although this requirement was enforced loosely in some emirates. NGOs registered or licensed with the Government reportedly received funds or subsidies from the Government according to the size of their membership.

Private associations must follow the Government's censorship guidelines if they publish any material.

c. Freedom of Religion.—The Federal Constitution designates Islam as the official religion, and Islam is also the official religion of all seven of the individual emirates of the federal union. The Federal Constitution provides for the freedom to exercise religious worship in accordance with established customs, provided that it does not conflict with public policy or violate public morals. The Government generally respected this right in practice; however, the Government controlled virtually all Sunni mosques and prohibited proselytizing by non-Muslims.

Virtually all Sunni mosques were government funded or subsidized; about 5 percent of Sunni mosques were entirely private, and several large mosques had large private endowments. The federal Ministries of Justice and Islamic Affairs and Awqaf distributed weekly guidance to both Sunni imams and Shi'a shaikhs regarding subject matter, themes, and content of religious sermons, and ensured that clergy did not deviate frequently or significantly from approved topics in their sermons. All Sunni imams were employees of either the Federal Ministry of Justice, Islamic Affairs and Awqaf, or individual emirate departments. The Emirate of Dubai's Department of Islamic Affairs and Endowments controlled the appointment of preachers in that Emirate's private mosques, as well as the conduct of their work.

The Shi'a minority, which was concentrated in the northern emirates, was free to worship and maintain its own mosques. All Shi'a mosques were considered private and receive no funds from the Government. The Government did not appoint shaikhs for Shi'a mosques. Shi'a Muslims in Dubai could pursue Shi'a family law cases through a special Shi'a council rather than the Shari'a courts.

Considerable local autonomy in religious matters resided in the individual emirates. There did not appear to be a formalized method of granting official status to religious groups. Rather, the ruling families could grant access to land and permission to build a church thereon. Since not all religious groups had land use grants with churches built there, several unrelated Christian congregations were required to share common facilities. Even so, because Islam considers Christianity one of the three monotheistic religions, facilities for Christian congregations were far greater in number and size than those for non-Christian and non-Muslim groups, despite the fact that Christians represented less than a quarter of non-Muslim foreigners.

Some non-Muslims were permitted to practice their religion freely in religious compounds built on land grants from the local rulers. In such cases, a religious group leader requested from the local ruler a grant of land (title to which remained with the ruler) with permission to build a house of worship there. Religious groups without land grants and churches built on it were limited in their ability to assemble for worship and to conduct business, but were allowed to worship on the compounds of other religious groups if permitted by such religious groups to do so. Discreet, off-compound private and public gatherings were not targeted or disrupted by the police or other security forces.

The Government followed a policy of tolerance towards non-Muslim religions and in practice, interfered very little in the religious activities of non-Muslims. Apparent differences in the treatment of Muslim and non-Muslim groups often had their origin in the dichotomy between citizens and noncitizens rather than religious difference.

The conversion of Muslims to other religions was regarded with extreme antipathy. Therefore, although non-Muslims in the country were free to practice their religion, they were not allowed to proselytize publicly or distribute religious literature under penalty of criminal prosecution and imprisonment. While there was no law

against missionary activities, in the past, authorities threatened to revoke the residence permits of persons suspected of such activities; however, no such permits were revoked during the year. Although the Government did not permit foreign missionaries to proselytize, they have performed nontraditional humanitarian missionary work since before the country's independence in 1971. An International Bible Society representative in Al-Ain distributed bibles and other religious material to Christian religious groups countrywide. Authorities did not deny permission to Christians who attempted to distribute religious material to remain in the country.

On November 12, two members of the CID arrested a Filipino pastor for distributing religious materials at a public shopping mall in violation of the prohibition against proselytizing. He was detained until December 17 before being released on informal bail and provided his passport to the authorities as security for his release. He was not charged formally by year's end; however, his movements in the country have not been restricted, and he reportedly has preached to various evangelical congregations throughout the country since his release.

In March 2001, Dubai police arrested four visiting noncitizens for violating laws barring non-Muslims from proselytizing because they distributed Christian religious materials, including videos and CD-ROMS, on a public street. One of those arrested was detained for less than a week. The accused persons deposited their passports as security to guarantee their appearance in court. They were able to move freely about Dubai but not permitted to leave the city. The charges against the noncitizens were dropped in April 2001 and they left the country the following day.

Although immigration authorities routinely asked foreigners to declare their religious affiliation, the Government did not collect or analyze this information, and religious affiliation was not a factor in the issuance or renewal of visas or residence permits. In 2001 Abu Dhabi inquired about religious affiliation in its fist municipality-wide census as part of a demographic analysis.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement or relocation within the country. Except for security areas such as defense and oil installations, the Government generally respected these rights in practice.

Unrestricted foreign travel and emigration are permitted to male citizens, except those involved in legal disputes under adjudication. Custom dictated that a husband could bar his wife, minor male and female children, and adult unmarried daughters from leaving the country, which he usually accomplished by taking custody of their passports (*see* Section 5). However, there was no enforcement of this custom at exit points unless there was a court order that barred an individual from traveling. All citizens have the right to return.

There was a small population of "stateless" residents who either were without citizenship or had no proof of citizenship to any country. Many such families have lived in the country for more than one generation. Many stateless residents originally were from Iran and South Asia; other stateless residents included Bedouins or the descendants of Bedouins who were unable to prove that they originated in the country. There was no formal procedure for naturalization, although foreign women received citizenship by marriage to a citizen, and anyone could receive a passport by presidential fiat. Because they were not of the original tribal groups, naturalized citizens could have their passports and citizenship status revoked for criminal or politically provocative actions; however, such revocations were rare, and there were no reports of such occurrences during the year.

A child born to a citizen man and noncitizen woman acquired citizenship at birth. In November the Government announced that children born to citizen women and noncitizen men also acquired citizenship at birth.

Although not sanctioned by law, employers generally required foreign national employees to surrender their passports as a condition of employment. In practice this prevented international travel or repatriation by foreign national employees without their employers' consent and especially affected such employees in the resolution of employment disputes. Employers sometimes petitioned immigration authorities to blacklist employees with whom they were engaged in contract disputes. Citizens were not restricted in seeking or changing employment. However, foreign nationals in specific occupations could not change employers without first leaving the country for 6 months (*see* Section 6.e.).

The Government has not formulated a formal policy regarding refugees, asylees, or first asylum. In the past, the Government detained persons seeking refugee status, particularly non-Arabs, while they awaited resettlement in a third country.

There were no reports during the year of persons seeking refugee status or first asylum and the issue of first asylum did not arise during the year. The Government

cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

During the year, there were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens do not have the right to change their government. There are no popular elections or democratic institutions, and citizens do not have the right to form political parties. Federal executive and legislative power is in the hands of the Federal Supreme Council, a body composed of the hereditary rulers of the seven emirates that elects from its members the country's President and Vice-President. Decisions at the federal level generally were made by consensus among the rulers, their families, and other leading families. The seven emirate rulers, their extended families, and those persons and families to whom they were allied by historical ties, marriage, or common interest held political and economic power in their respective emirates.

A federal consultative body, called the Federal National Council (FNC), consists of 40 advisors appointed by the rulers. Advisors are drawn from each emirate, with proportion based on emirate population. The FNC has no legislative authority but it may question ministers and make policy recommendations to the Cabinet. Its sessions usually were open to the public.

The choice of appointing a new emirate ruler falls to the ruling family in consultation with other prominent tribal figures. By tradition, rulers and ruling families were presumed to have the right to rule, but their incumbency ultimately depended on the quality of their leadership and their responsiveness to their subjects' needs. Emirate rulers were accessible, in varying degrees, to citizens who had a problem or a request.

Tradition rather than the law limited the political role of women, and there were very few women in senior positions. There were no female members of the FNC. In Sharjah five women served on the emirate-wide, 40-member Consultative Council. The new female Council members were appointed to the Council's Family Development Committee; however, they reportedly were not limited to working on social issues and could also join the Council's other committees. Other women in senior government positions included an undersecretary in the Ministry of Labor and Social Affairs and an assistant undersecretary for planning and evaluation in the Ministry of Education.

Although the small Shi'a minority has enjoyed commercial success, few Shi'as held top positions in the Federal government.

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

The Jurists' Association Human Rights Committee, which focused on human rights education, operated as an independent domestic human rights NGO. The Committee conducted a number of seminars and symposia throughout the year on various human rights issues.

The Government cooperated with international human rights NGOs, other foreign human rights NGOs, and international governmental organizations. There were no reports that the Government refused to cooperate with or refused access to international NGO human rights monitors.

In the summer, AI visited the country and discussed various human rights issues with government officials. During the year, the Government also cooperated with foreign NGOs and worked with foreign governments on issues involving the practice of trafficking in boys for use as child camel jockeys.

In July representatives from the Armenian office of the International Organization for Migration met with government officials and community members to discuss trafficking in women issues. The Government continued to work with the International Labor Organization on labor issues.

In May the Ministry of the Interior conducted a seminar entitled "Police Profession and Human Rights" and created a Human Rights Department to monitor human rights abuses centrally and to increase awareness on human rights issues.

In July the Government-sponsored Zayed Center for Coordination and Follow-Up, an affiliate of the Arab League, hosted a 2-day international conference on human rights and war victims. In December the Dubai Police Human Rights Section hosted a conference on the protection of prisoners' rights and other human rights issues. The Dubai Police Academy continued to include a course on human rights in its curriculum for fourth-year students.

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

The Constitution provides for equality before the law without regard to race, nationality, or social status. However, there was institutional and cultural discrimination based on sex and nationality.

Women.—Abuse and rape are criminal offenses, and offenders were prosecuted and penalized. There were some reported cases of spousal abuse. The laws protect women from verbal abuse or harassment from men, and violators were subject to criminal action. Police units were stationed at major public hospitals so that victims of abuse could file complaints, which would fall under the jurisdiction of the Shari'a courts; in addition, attending physicians could call upon police to interview suspected victims of abuse. Social workers and counselors also maintained offices at public hospitals. However, women sometimes were reluctant to file formal charges for social, cultural, and economic reasons. When abuse was reported to local police, authorities could take action to protect the complainant. There continue to be credible reports of physical and sexual abuse of female domestic servants by some local and foreign employers (*see* Section 6.e.). In July the Women's Da'waa Administration, part of the Dubai Awqaf and Islamic Affairs Department, established a telephone hotline for women and children. The hotline had direct access to the Dubai Police if police assistance was necessary, and was open to requests for assistance from women in all emirates.

Although "honor killings" were uncommon, in June, in an apparent "honor killing" case, the Shari'a Appeal Court in Ras Al-Khaimah Emirate commuted a foreign national's sentence of death to 5 years served upon the defendant's parents' request that the death penalty be waived. The defendant was convicted of the death of his younger sister by stabbing because she married without her family's approval. The defendant also seriously injured a second sister who tried to intervene.

Prostitution is illegal; however, it has become an increasing problem in recent years, particularly in Dubai. No accurate statistics were available. However, substantial numbers of women arrived from the states of the former Soviet Union, Africa, East Asia, Eastern Europe, and other states of the Middle East for temporary stays during which they engaged in prostitution and possibly other activities connected with organized crime. There was credible evidence that many of these women sought to enter the country to make substantially more money than they could earn in their home countries by engaging in prostitution; however, other reports suggested that some of them engaged in involuntary prostitution because their salaries were not paid or they were reduced (*see* Section 6.f.).

While prostitution was acknowledged widely to exist, the Government did not address the issue publicly because of societal sensitivities. In an effort to combat prostitution, the Dubai police conducted special patrols in areas frequented by prostitutes, and the immigration and police forces have formed special units that conducted raids and sting operations in areas frequented by prostitutes. To address the problem, authorities restricted the number of visas issued to single women between the ages of 30 and 40. However, press reports indicated that airlines and tourism companies continued to obtain visitor visas for single women between the ages of 30 and 40.

Trafficking in women for the purposes of sexual exploitation was a problem (*see* Section 6.f.).

There were no legal prohibitions against women owning property or businesses. The Shari'a law of inheritance applies equally to men and women although laws of distribution may differ. When a woman marries, her separate property (including her dowry, which is set by law at a maximum of approximately $13,700 or 50,000 dirhams) and the income of her separate property remain under her control and are not commingled with the separate property of her husband. During the marriage, the husband is obliged to provide a marital home and necessities for his wife and children. In the event of divorce, a woman takes her separate property, any amounts she receives in a property settlement with her husband, plus any allowances granted to her for maintenance for her and the children.

Custom dictated that a husband could bar his wife, minor male and female children, and adult unmarried daughters from leaving the country, if only by taking custody of their passports (*see* Section 2.d.).

Neither the labor law nor the civil service law, which covers labor matters in the public sector, prohibits the employment of women. A man has no right under Shari'a law to ban his wife from working if she was employed at the time of their marriage. By custom and tradition, some government bodies would not employ a married woman without her husband's written consent, although such permission usually was granted.

Shari'a law is applied in personal status cases. The law permits men to have more than one wife, but not more than four, at a time. A husband is required to ask his wife's permission and approval before he may take a second wife.

Divorce is permissible. A woman may be granted a divorce if she can prove that her husband has inflicted physical or moral harm upon her; for example, that he has deliberately stayed away from her for 3 months, or has not paid for her upkeep or for the maintenance of her children. Divorced women are granted custody of female children until they reach the age of maturity or marry; they are granted temporary custody of male children until they reach the age of 13. If the mother is deemed unfit, custody reverts to the next able female relative on the mother's side. A woman who remarries may forfeit her right to the custody of children from a previous marriage.

The law prohibits cohabitation by unmarried couples. The Government may imprison and deport noncitizen women if they bear children out of wedlock. In the event that a court sentences a woman to prison for such an offense, local authorities, at the request of the prisoner, may hold the newborn children in a special area within the confines of the prison or place them with a relative. In rare cases, children were held in other facilities until the mother's release. In Dubai Emirate, unmarried pregnant women generally must marry the father of the child or repatriate to their home country. Otherwise, both parties would be subject to arrest for fornication.

There were no legal prohibitions against a woman owning her own business. Traditionally, professional women, including doctors, architects, and lawyers, did not face restrictions on licensing businesses in their names. The Abu Dhabi Chamber of Commerce conducted programs to encourage small business entrepreneurship by women. The Chambers of Commerce and Industry in Abu Dhabi and Dubai Emirates had Businesswomen's Councils.

In October the first Arab and International Businesswomen's Conference was held in Dubai. Attended by about 500 delegates, the conference featured international women entrepreneurs and workshops conducted by professional trainers.

Women who worked outside the home sometimes did not receive equal benefits, such as housing, and faced discrimination in promotion. If a woman and her husband were both employed by the Government, both housing allowances will be paid to the husband because he is obliged under Shari'a law to provide for housing. The Government provided employee housing allowances to single women and to married women whose husbands were employed in the private sector.

Maternity leave for public sector employees is a minimum of 45 days to a maximum of 6 months—2 months with full pay, 2 additional months of nursing leave with half salary, and the possibility of 2 more months without salary.

Opportunities for women have grown in government service, education, private business, and health services. Citizen and noncitizen women constituted 15 percent of the national workforce. The federal government publicly has encouraged citizen women to join the workforce, ensuring public sector employment for all that apply. Women represent most primary and secondary school teachers and health care workers, and make up almost half of all government workers.

The law prohibits sexual harassment. As a form of deterrence, Dubai-based newspapers regularly published pictures of men arrested in Dubai for harassing women in public places. In August a citizen was convicted and fined in Dubai for breach of privacy because he secretly photographed six girls in a restaurant.

Women continued to make progress in education. They constituted over 75 percent of the student body at UAE University in Al-Ain. Most universities have separate campuses for men and women; however, the American Universities in Dubai and Sharjah, private institutions, were coeducational. Academic materials were subject to censorship, and students were banned from reading texts in which the human body was pictured or sexuality was featured (*see* Section 2.a.).

Women officially were encouraged to continue their education, and government-sponsored women's centers provided adult education and technical training courses. The federal armed forces accepted female volunteers, who enrolled in a special training course that started after the Gulf War. The Dubai Police College also recruited women; many were deployed at airports, immigration offices, and women's prisons.

In August the first class of policewomen for Sharjah Emirate, consisting of 53 women, completed a police skills training course at the Sharjah Academy for Police Sciences.

Children.—The Government expended resources on the welfare of child citizens; however, noncitizen children received fewer benefits.

Children who were citizens received free public education through the university level, free health care, and were assured housing. Citizens employed by the Govern-

ment also were eligible to receive aid from the Ministry of Labor and Social Welfare for sons and daughters who were under the age of 18, unmarried, or had disabilities.

Noncitizen resident children were not permitted to enroll in public school unless they lived in rural areas that lacked private schools. Many foreign workers in private sector employment received education allowances as part of their salary packages; otherwise, expatriates residing in the country paid for the expense of their children's education. In an effort to help offset this expense for public employees, the Government provided an annual subsidy of approximately $1,600 (6,000 dirhams) to its noncitizen employees for private school tuition per family.

Citizen children were required to attend school—segregated by gender—through the sixth grade, the last grade of primary education, when children could be as young as 10 or 11 years old. However, compulsory education was not enforced, and some children, both girls and boys, did not attend school.

Child abuse was not prevalent, apart from the trafficking of young boys employed as camel jockeys (*see* Sections 6.c., 6.d., and 6.f.). Effective September 1, the Government banned the use of young boys as jockeys in camel races, with violators subject to penalties up to and including imprisonment. The Government enforced the ban by inspections at races. There were no reports of ban violations by year's end.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. There was no federal legislation requiring accessibility for persons with disabilities; however, most public buildings provided access to disabled persons. The Ministry of Labor and Social Affairs sponsored six government physical and mental rehabilitation centers open only to citizens.

Other rehabilitation centers were semi-government or established by charity associations. Initiatives ranged from monthly social aid funds, special education, and transportation assistance, to sending a team to the Special Olympics. The Government and quasi-government entities also provided a significant amount of nongovernmental financial assistance, services, and emotional support to persons with disabilities.

In September the Ministry of the Interior established in Abu Dhabi Emirate, the Rehabilitation, Training and Recruitment Center for People with Special Needs. The center provided comprehensive education, training and guidance and job placement assistance to disabled persons between 14 and 40 years of age.

National/Racial/Ethnic Minorities.—Societal discrimination against noncitizens, while not legally sanctioned, was prevalent and occurred in most areas of daily life, including employment, housing, and social interaction. Employment, immigration, and security policy, as well as cultural attitudes towards the very substantial number of foreign workers, were conditioned by national origin.

It was estimated that more than 50 percent of foreign workers were from the Indian subcontinent. Noncitizens were denied access to some free services provided by the Government, including education, health care, and social and recreational club memberships.

Section 6. Worker Rights

a. The Right of Association.—The law does not authorize workers to form or join unions, and in practice, there were none. However, the Government allowed workers to associate freely for the advancement of common goals and interests. In practice workers addressed grievances and negotiated disputes or matters of interest with employers through formal and informal mechanisms.

Since 1995, the country has been suspended from the U.S. Overseas Private Investment Corporation insurance programs because of the Government's lack of compliance with internationally recognized worker rights standards. However, the ILO reported in April that the country, along with other Gulf States, had agreed to start projects to improve respect for freedom of association and the right to collective bargaining.

b. The Right to Organize and Bargain Collectively.—Although the law does not grant workers the right to engage in collective bargaining, it expressly authorizes collective work dispute resolution.

There were a number of organized gatherings of workers that complained of unpaid wages before the Ministry of Labor and Social Affairs. Some professional associations were granted greater freedom to raise work-related concerns, to lobby the Government for redress, or to file a grievance with the Government. The Ministry of Labor and Social Affairs reviewed employment contracts for workers in the industrial and service sectors to ensure compliance with the labor laws. The labor laws do not cover domestic and agricultural workers. The Ministry of Interior's Natu-

ralization and Residency Administration reviewed the contracts of foreign domestic employees as part of residency permit processing to ensure that the negotiated salaries and terms were adequate. For the resolution of work-related disputes, workers had to rely on conciliation committees organized by the Ministry of Labor and Social Affairs or on special labor courts.

The Ministry of Labor and Social Affairs distributed information to foreign workers outlining their rights under the labor law and how to pursue labor disputes, whether individual or collective. Employees could file individual employment dispute complaints with the Ministry of Labor. With the Ministry acting as mediator, if the complaint was unresolved by agreement of the parties, the employee could file a complaint with the labor courts. In a collective work dispute between employees and employer or employers concerning a subject of joint interest to all or a group of them in an establishment, trade, vocation or in a certain vocational sector, employees or employers could file complaints with the Labor Ministry if they were unable to settle such disputes amicably. If the Labor Ministry was unable to mediate a settlement within 10 days, the complaint was submitted to a Conciliation Committee for settlement. Either the employee or employer could appeal the Conciliation Committee's decision to a Supreme Committee of Conciliation, whose decision is final. While these regulations existed, there was little information available about their implementation in practice.

The Government prohibits strikes by those employed in the public sector on the grounds of national security considerations. However, there were a number of strikes by private sector employees during the year. There were no reports that workers who went on strike were deported.

Labor laws do not cover, and therefore do not protect, government employees, domestic servants, and agricultural workers. The latter two groups faced considerable difficulty in negotiating employment contracts because the mandatory requirements contained in the labor law did not apply. They also faced considerable difficulty in obtaining assistance to resolve disputes with their employers. The employer generally tied an employee's residency or visa to his employment and sponsorship. If the employee terminated his employment and was unable to secure new employment and a new sponsor, the employee lost residency and could be required to leave the country.

Businesses in free trade zones must comply with federal labor laws; however the Ministry of Labor did not regulate them. Instead, each free trade zone maintained its own labor department to address workers concerns.

c. Prohibition of Forced or Bonded Labor.—Forced or bonded labor was illegal. However, some employment agents brought foreign workers to the country under conditions approaching indenture. Some women reportedly were brought to the country for service sector employment and later were forced into prostitution (*see* Section 6.f.). Some low-paid unskilled and semi-skilled workers were victims of contract-switching.

The Government prohibits forced and bonded child labor and generally enforces this prohibition effectively. In particular, it has taken concrete steps to resolve the problems of child camel jockeys (*see* Section 4, 6.d., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The labor law prohibits employment of persons under the age of 15 and has special provisions for employing those 15 to 18 years of age. The Federal Ministry of Labor and Social Affairs is responsible for enforcing the regulations. Other regulations permitted employers to employ only adult foreign workers. The Government did not issue work permits for foreign workers under the age of 18 years. Child labor was not tolerated, with the exception in the past of child camel jockeys (*see* Section 5, 6.c., and 6.f.).

In September the Government implemented and began enforcing a child camel jockey ban with criminal penalties for violators up to and including imprisonment. The ban prohibits the use of camel jockeys less than 15 years of age and less than 45 kilograms (99 pounds). The Government enforced the ban through inspections at races. There were no cases of ban violations reported by year's end.

e. Acceptable Conditions of Work.—Approximately 98 percent of the private sector workforce consisted of foreigners. There were a considerable number of skilled foreign nationals in the country who were employed under favorable working conditions. However, the country also was a destination for a large number of unskilled workers, including up to 250,000 domestic servants, most of them women from South and East Asia, and an even larger number of unskilled male workers, mostly from South Asia. These unskilled laborers actively competed for jobs in the country and other Gulf countries, and in the past were subject to poor working conditions.

The standard workday is 8 hours per day; the standard workweek is 6 days per week; however, these standards were not enforced strictly. Certain types of workers,

notably domestic servants, could be obliged to work longer than the mandated standard. The law also provides for a minimum of 24 days per year of annual leave (2 days per month if service is more than 6 months but less than 1 year; 30 days per year if service exceeds 1 year) plus 10 national and religious holidays. There was no legislated or administrative minimum wage; rather, supply and demand determined compensation. Compensation depended on occupation and employer and ranged from $109 (400 dirhams) per month for domestic or agricultural workers working for local individual employers to $164 (600 dirhams) per month for construction workers working for companies to much higher salaries for highly skilled employees. Compensation packages generally provided housing or housing allowances. In addition, other benefits, such as homeward passage or health cards for minimal to no-cost health care, were often provided to employees by their employers.

The Labor and Social Affairs Ministry reviewed labor contracts and did not approve any contract that stipulated a clearly unacceptable wage.

Most foreign workers did not earn the salary required to obtain residency permits for their families. The required monthly minimum salary to permit accompanying families was $1,090 (3,924 dirhams) or $817 (2,941 dirhams), when a housing allowance is provided.

In two recent cases affecting the long held assumption of almost total job security for citizens, a number of citizens were involuntarily transferred, retired, or terminated from government employment reportedly due to their affiliations or opinions. The federal civil service laws, rather than the labor laws, covered public sector employees. According to press reports, 10 national employees of the Ministry of Justice, Islamic Affairs and Awqaf filed complaints in June alleging that adverse employment actions taken against them—involuntary retirement prior to the legal age of retirement—were in alleged violation of the civil service laws and the Social Security Law.

In August some employees of the Ministry of Education and Youth also were affected by adverse employment decisions. Press reports indicated that these national employees were retired involuntarily, whereas others were transferred involuntarily to other federal ministries. The affected employees claimed they had good service records and alleged that the adverse employment actions were taken without stated reasons, cause, notice or process.

There continued to be local newspaper reports regarding the non-payment of wages to foreign workers.

In May 73 laborers gathered to file a complaint against their contracting company employer for 6 months unpaid wages and for failure to renew their residence permits and labor cards. The police station provided a bus to transport the workers to file their complaint. Also in May, more than 20 medical students protested the suspension of their classes by their lecturers because the lecturers had not been paid for 3 months. In August approximately 1,500 workers gathered at their employer's head office to complain of unpaid wages. In September over 100 hotel employees filed a joint complaint against their employers for unpaid wages of 3 to 5 months, annual leave salary, and end-of-leave service benefits. The hotel had recently been sold without prior notice to the employees and without making any legal arrangement to settle the unpaid salaries and benefits. At year's end, there was no new information available on two cases involving the non-payment of wages from 2001: 61 Indian and Bangladeshi laborers and 500 South Asian construction workers.

In May 2001, the Government introduced a new law requiring some employers to deposit monetary guarantees with third-party banks. The purpose of the guarantee was to decrease the growing number of cases in which employees worked, sometimes for months, without wages. The amount of the guarantee increased according to the number of workers employed by the depositor. In theory, the greater the number of workers employed by a company, the more money would be deposited and the greater the likelihood that workers would be paid in a timely manner. However, the law does not protect all workers. The law exempts from this requirement those companies in which the Government owns a share, banks, insurance firms, petroleum firms, and certain hotels.

In May the Labor Ministry announced that the institution of bank guarantees to protect rights of workers had been mostly successful as the number of labor disputes, especially in companies that were required to deposit large bank guarantees, had decreased. After reports that some employers were making their employees pay the amount of the bank guarantee, in September the Labor Ministry warned employers that such actions were in violation of the labor laws since the employers were responsible for providing the bank guarantees and that the Ministry would take strict action against companies that deducted the value of the bank guarantee from their workers' salaries.

In May the Labor Ministry announced it would not tolerate the violation of the rights of workers, especially those of low-income laborers, and increased and intensified inspections. In August the Labor Ministry announced that 215 companies had been blacklisted (suspended from submitting applications for new work permits or sponsorship transfers) and fined for labor law violations. In September the Labor Ministry blacklisted a company for failure to comply with an agreement with the Ministry to pay outstanding backpay of five months to 300 workers.

Labor law violations by private industry reportedly were high due to a shortage of labor inspectors and resources. In June the Labor Ministry created a special task force to inspect all industrial establishments in the private sector. In November 54 additional labor inspectors began work.

Some foreign nationals involved in disputes with employers, particularly in cases in which the employee signed a contract containing a clause not to complete, could be blacklisted by the employer with immigration authorities, effectively preventing their return for a specified period of time. Employers also had the option to petition to ban from the work force for 6 months any foreign employee who left his job without fulfilling the terms of his contract (*see* Section 2.d.).

Employers did not always follow the laws regarding the sponsorship of foreign employees. Under the regulations, a company that has one or more employee whose work permit has expired and not been renewed will be barred from employing new staff. However, the rule was enforced unevenly.

The Ministries of Health and of Labor and Social Affairs, municipalities, and civil defense enforced health and safety standards, and the Government required every large industrial concern to employ a certified occupational safety officer. However, health and safety standards were not observed uniformly. Press reports in June 2001 noted a Ministry of Labor study that stated that many industrial establishments failed to observe health and safety regulations, and more than half provided substandard housing and unclean environments, with sometimes as many as 15 workers living in a single room.

In August in Dubai, the steel roof of a four-story power plant building under construction collapsed, killing 9 laborers and injuring 19, 5 of them seriously. In response, Dubai Municipality ordered a team of its Building and Housing Department's specialized construction engineers to visit the site and report on the collapsed structure. The Labor Ministry also investigated the accident with regard to the legal responsibilities of the involved companies to their workers. In May 2001, Dubai increased inspections of construction worksites and factories. This measure followed a series of deaths and injuries caused by accidents at construction sites throughout the country.

Contrary to popular belief, there is no law in the country that prohibits labor outdoors when the temperature exceeds 50 degrees Celsius. The law does require, however, that employers provide employees with a safe work environment. Medical experts in the country reported that it was inadvisable for laborers to work outdoors when the temperature exceeded 40 degrees Celsius.

After five Dubai workers died of sunstroke in July, the Ministry of Labor and Social Affairs urged companies to provide safety measures to avoid casualties from sunstroke and heat exposure, including reducing work hours or splitting the workday to include a break between 11 a.m. or noon and 3:00 p.m. The Labor Ministry also warned employers that it would strictly enforce regulations requiring employers to ensure safe working conditions for their employees. At year's end, there was no further information.

In July 2 Sharjah hospitals reported receiving 10 cases of sunstroke each day. Abu Dhabi public hospital emergency units reported 340 cases of severe and mild sunstroke, mostly involving outdoor laborers, in the first 3 weeks of August. In the first week of August, 60 workers who suffered from sunstroke were admitted to a Dubai hospital. At year's end, there was no further information.

Workers' jobs were not protected if they removed themselves from what they considered to be unsafe working conditions. However, the Ministry of Labor and Social Affairs could require employers to reinstate workers who were dismissed for not performing unsafe work. Injured workers were entitled to fair compensation, and all workers had the right to lodge grievances with Ministry officials, who made an effort to investigate all complaints.

Rulings on complaints may be appealed within the Ministry and ultimately to the courts; however, many workers chose not to protest for fear of reprisals or deportation.

There were reports of abuse of domestic workers by their employers. Allegations included excessive work hours, nonpayment of wages, and verbal, physical, and sexual abuse. There was no further information available on cases in 2001 of attempted suicide and rape (*see* Section 5).

Sponsorship and residency laws do not permit most foreign national employees to change employers, and employers normally held their employees' passports. Because of this practice, servants were unable to leave their employment and return to their home country or find another job.

In the past, employers typically transported workers from their living quarters to their work site in trucks, trailers, or pick-ups. In an effort to improve the safety of workers during the transport, in April 2001, the Dubai Emirate banned transport in or through the emirate of laborers in pick-up trucks and truck trailers that were not designed to transport persons and lacked safety features, and required employers to transport employees in buses, with offenders subject to fines and/or vehicle seizure. In December Abu Dhabi Emirate also banned this practice.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, although child smuggling, prostitution, and pornography are crimes. Trafficking in women and young boys used as camel jockeys was a problem. The Government investigated allegations of trafficking in persons when such allegations were made and provided assistance in repatriation, medical care and locating shelter for trafficking victims.

In September the Government banned the use of children as camel jockeys in an effort to end this use of child labor and eliminate the trafficking of young boys to the country for this purpose. The Government also tightened controls at points of entry into the country for boys under the age of 15 years and ordered the repatriation of children in the country used as camel jockeys.

The law prohibits the use of camel jockeys that are less than 15 years of age and weigh less than 45 kilograms (99 pounds). All camel jockeys are required to have a government-issued identification card, which were issued after physical examination by a medical committee through the use of x-rays and other tests to confirm that the child was at least 15 years of age.

The Government established the following penalties for violators of the child camel jockey ban: first offense, fine of approximately $5,500 (20,000 dirhams); second offense, banned from participation in camel races for one year; third and subsequent offenses, imprisonment. The Government enforced the ban by inspections at camel races.

There reportedly were as many as hundreds of underage camel jockeys working in the country who were subjected to harsh conditions.

In the past, credible sources reported that almost all camel jockeys were boys between the ages of 4 and 10 brought to the country by small, organized gangs. The gangs obtained the youths, usually from poor families in Pakistan and Bangladesh, by kidnaping, or in some instances by buying them from their parents or taking them under false pretenses, and then smuggling them into the country. Some children have reported being beaten while working as jockeys, and others have been injured seriously during races.

There was no further action taken in the 2001 death of a 7-year old Bangladeshi boy in Dubai or the kidnaping in 2000 of a 10-year old Pakistani boy camel jockey.

There were credible reports of trafficking in women to the country. Some foreign diplomats and NGOs reported that some women were brought to the country under the false pretense of working in the service sector or as domestic servants, but then were forced into prostitution. When these women and girls arrived in the country, the traffickers did not provide the promised employment, reportedly took their passports, and forced them to work as prostitutes to repay their travel expenses. The women received little payment from the traffickers, however, which made it difficult to repay their debts.

The women also were warned that they could be arrested if they turned to the police or others for help because they were in the country illegally. It was unclear whether this trafficking activity was conducted with the full complicity of the women's citizen sponsors, or whether the women's generally noncitizen agents were exploiting the sponsorship system to engage in illicit activity (*see* Section 5).

The Kazakhstan government reported in June 2001 that it broke up a trafficking ring that specialized in sending women to the country for prostitution. Five members of the ring were arrested while attempting to board a woman and a 15-year-old girl on a flight to Dubai.

YEMEN

The Republic of Yemen is a republic with an active bicameral legislature. Constitutional power is shared among the popularly elected President, the appointed 111-member Shura Council, and a popularly elected 301-seat House of Representa-

tives. President Saleh is the leader of the General People's Congress (GPC), which dominates the Government. In September 1999, President Ali Abdullah Saleh was directly elected in a popular vote to another 5-year term. The Constitution provides that the President be elected by popular vote from at least two candidates endorsed by Parliament, and the election was generally free and fair; however, there were problems, including the lack of a credible voter registration list and election-related violence. In addition, the President was not opposed by a competitive candidate because his sole opponent was a member of the GPC. In 1997 parliamentary elections were held and the GPC won an absolute majority. The elections were reasonably free and fair, although there were some problems with voting procedures. The Parliament was not yet an effective counterweight to executive authority, although it increasingly demonstrated independence from the Government. The elected House of Representatives was led by the head of the Islaah, the leading opposition party, who effectively blocked some legislation favored by the Executive. Real political power rested with the executive branch, particularly the President. In February 2001, local elections were held with all major opposition parties participating. The nominally independent judiciary was weak and severely hampered by corruption, executive branch interference, and the frequent failure of the authorities to enforce judgments.

The primary state security apparatus is the Political Security Organization (PSO), which reports directly to the President. The Criminal Investigative Department (CID) of the police reports to the Ministry of Interior and conducts most criminal investigations and makes most arrests. The Central Security Organization (CSO), also a part of the Ministry of Interior, maintains a paramilitary force. Civilian authorities generally maintained effective control of the security forces, although there were some instances during the year in which elements of the security forces acted independently of the Government. Members of the security forces committed serious human rights abuses.

Yemen is a very poor country with a population of approximately 19 million; more than 40 percent of the population live in poverty and the unemployment rate is 36 percent. Its embryonic market-based economy, despite a reform effort, remained impeded by government interference and corruption. The economy is mixed; oil and remittances from workers in other Arabian Peninsula states are the primary sources of foreign exchange. The economy suffered due to other Arab governments' reaction to the Government's lack of support for the U.N. coalition during the Gulf War. However, international foreign aid and worker's remittances have reemerged as important sources of income.

The Government generally respected its citizens' human rights in some areas; however, its record was poor in several other areas, and serious problems remained. There were limitations on citizens' ability to change their government. There were no reports of arbitrary or unlawful deprivation of life by the Government or its agents. Members of the security forces tortured and otherwise abused persons, and continued to arrest and detain citizens arbitrarily. During the year, there were efforts to implement directives intended to align arrest, interrogation, and detention procedures more closely with internationally accepted standards. Prison conditions were poor. PSO officers have broad discretion over perceived national security issues. Despite constitutional constraints, security officers routinely monitored citizens' activities, searched their homes, detained citizens for questioning, and mistreated detainees. The Government usually failed to hold members of the security forces accountable for abuses; however, at year's end, there were two ongoing trials against security officials. Prolonged pretrial detention was a serious problem, and inefficiency, judicial corruption, and executive interference undermine due process. The Government continued a comprehensive, long-term program for judicial reform. The law limited freedom of speech and of the press, and the Government continued to harass, intimidate, and detain journalists. Journalists practiced self-censorship. The Government at times limited freedom of assembly. The Government imposed some restrictions on freedom of religion, and placed some limits on freedom of movement. The Government displayed official support for donor-funded democracy and human rights programs. Violence and discrimination against women were problems. Female genital mutilation (FGM) was practiced on a limited scale. The Government publicly discouraged FGM, and sponsored initiatives through its National Women's Committee to combat the practice. There was some discrimination against persons with disabilities and against religious, racial, and ethnic minorities. The Government influenced labor unions. Child labor was a problem. Yemen was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

Bombings and targeted shooting increased during the year, with several bombings in Sana'a and one in Marib, a grenade attack on the U.S. Embassy, an attack on

the oil tanker Limburg, a political killing and the killing of three American hospital workers. The Government and international observers attributed these bombings and shootings to terrorism, religious extremism, and antigovernment political groups based in the country and abroad.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life by the Government or its agents. There were some reports during the year that security forces killed or injured persons whom they believed were engaging in criminal activity and resisting arrest.

For example, in January two persons reportedly were killed during a clash between security forces and the bodyguards of Sheikh Mansur al-Hanik, a Member of Parliament. In October several persons were killed during a fight between security forces protecting a foreign embassy and the bodyguards of family members of the Speaker of Parliament. Both incidents illustrate the clashes that occasionally escalate between private bodyguards of prominent figures and government forces. No arrests were made in either incident.

There reportedly was no action taken against the members of the security forces responsible for the following killings in 2001: The January death in custody of Mohammed al-Yafia; the April killing of a demonstrator in al-Dalah; the December death of four tribal members in Marib and Shebwa governates; and the 2000 death in custody of Sabah Seif Salem.

Four security officials were tried for abuses committed in previous years. During the year, in Hadramaut, three security officers were on trial for torturing two young boys. In Damar a former Security Director was on trial for torture and bribery. These cases still were pending at year's end.

Approximately seven persons were killed in election-related violence in October (*see* Section 3).

Tribal violence resulted in a number of killings and other abuses, and the Government's ability to control tribal elements remained limited. In addition, tensions between the Government and various tribes periodically escalated into violent confrontations (*see* Section 5). In May 2001, the President gave the Shura Council the task of developing a strategy to address the phenomenon of violent tribal revenge; however, the Council had not done so by year's end. During the year, the Shura Council issued a report stating that more than 2,000 persons died in 2001 as a result of tribal revenge.

Persons continued to be killed and injured in unexplained bombings and shootings during the year. In most cases, it was impossible to determine the perpetrator or the motive, and there were no claims of responsibility. Some cases appeared to have criminal, religious, or political motives; others appeared to be cases of tribal revenge or land disputes. On November 29, a bomb detonated outside a state complex in Marib.

There were threats, attacks, and killing of high-profile persons during the year. For example, in December a high ranking official at the Yemeni Socialist Party, Jarallah Omar, was killed in Sana'a. On December 31, an individual smuggled a semiautomatic rifle into the hospital in Jibla and killed three American medical workers and injured one (*see* Section 2.c.). Both suspects were in custody by year's end.

During the year, the Government announced its intention to bring suspects to trial in the 2000 bombing of the USS Cole. The explosion killed 17 sailors and injured 39 others (*see* Section 1.e.).

b. Disappearance.—There were no reports of politically motivated disappearances in the last 8 years. Disappearances that occurred during the 1994 war of secession have gone unresolved. The Government states that the scarcity of records, resulting from the country's lack of an effective national registry, hindered its attempts to create database files for those persons who have disappeared. Both Amnesty International (AI) and the U.N. Working Group on Enforced and Involuntary Disappearances continued to note that there were hundreds of unresolved disappearances dating from the preunity period in the former PDRY. AI has received no credible reports of new disappearances in the last 8 years.

There were no tribal kidnapings during the year. In the past, some tribes sought to bring their political and economic concerns to the attention of the Government by kidnaping and holding hostages. Foreign businessmen, diplomats, and tourists were the principal targets. A total of 166 foreigners have been kidnaped since 1992. Kidnaping victims rarely were injured, and the authorities generally were successful in obtaining the negotiated release of foreign hostages.

There has been a marked decline in tribal kidnapings of foreigners, from six cases involving eight persons in 2000 to seven cases involving seven persons in 2001 to no cases during the year. This decrease was at least in part the result of the Government's establishment of a special court and special prosecutor to try kidnapers and other violent offenders. The Government issued by presidential decree a law that stipulated severe punishments up to and including capital punishment for persons involved in kidnaping, carjacking, attacking oil pipelines, and other acts of banditry and sabotage.

In December 2001, a court convicted four men who had kidnaped a German citizen in November 2001. The perpetrator received a 25-year sentence and the others received 20-year sentences; however, in April an appeals court increased the sentence for Ahmed Nasser al-Zayidi, to a death sentence. The arrests, trials, and convictions continue. The Government's prosecution appears to have deterred kidnapings. There were no reports of tribal opposition or interference in these cases.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution is ambiguous regarding the prohibition of cruel or inhuman punishment, and members of the security forces tortured and otherwise abused persons in detention. Arresting authorities were known to use force during interrogations, especially against those arrested for violent crimes. Detainees in some instances were confined in leg-irons and shackles, despite a law outlawing this practice.

The Government has acknowledged publicly that torture takes place, but it has claimed that the use of torture was not government policy. The Government has taken some effective steps to end the practice or to punish those who commit such abuses. However, a government prosecutor has cited illiteracy and lack of training among police and security officials as reasons for the persistence of the use of undue force in prisons; corruption and pressure from superiors to produce convictions also play a role. The immunity of all public employees from prosecution for crimes allegedly committed while on duty also hinders accountability; prosecutors must obtain permission from the Attorney General to investigate members of the security forces, and the head of the Appeals Court formally must lift their immunity before they are tried. Low salaries for police officers also contribute to corruption and police abuse.

There reportedly was no action taken against the members of the security forces responsible for the following killings: The January 2001 torture and death in custody of Mohammed al-Yafia and the 2000 torture and killing of Sabah Seif Salem (*see* Section 1.a.).

There were two reported prosecutions of security officers during the year for abuses committed in 2001. In Hadramaut three security officers were on trial for torturing two young boys. In Damar a former Security Director continued to be on trial for torture of persons. Both cases were ongoing at year's end (*see* Section 1.a.).

There have been numerous allegations and credible evidence that the authorities tortured and abused suspects and detainees to attempt to coerce confessions before or during trial. During the year, several families of persons detained in relation to terrorist activities have alleged that torture has been used during interrogation.

The Constitution may be interpreted as permitting amputations in accordance with Shari'a (Islamic law). However, the use of amputations as punishment is extremely rare. Prior to the 2001 Sharaf case, there had been no reports of amputations since 1991, although a small number of persons who have been found guilty of theft remain in jail awaiting the implementation of their amputation. The Shari'a-based law permits physical punishment for some crimes. For example, in Ibb governorate in 2000, Mohamed Tahbit al-Su'mi, after being tried and convicted, was stoned to death for the 1992 rape and murder of his 12-year-old daughter. Capital punishment usually was carried out by firing squad; stoning was almost unheard of, but was approved in this case due to the unusual brutality of the crime.

In previous years, the Government at times used excessive force to put down demonstrations and riots (*see* Section 2.b.).

Tribal violence continued to be a problem during the year, causing numerous deaths and injuries (*see* Section 5).

Prison conditions were poor and did not meet internationally recognized standards. Prisons were overcrowded, sanitary conditions were poor, and food and health care were inadequate. Prison authorities often exact bribes from prisoners or refuse to release prisoners who have completed their sentences until family members pay a bribe. Tribal leaders misused the prison system by placing "problem" tribesmen in jail, either to punish them for noncriminal indiscretions or to protect them from retaliation or violence motivated by revenge. Authorities in some cases arrested without charge and imprisoned refugees, persons with mental disabilities, and illegal immigrants and placed them in prisons with common criminals.

Women were held in prison separately from men and conditions were equally poor in women's prisons, where children likely were incarcerated along with their mothers. At times male police and prison officials subjected female prisoners to sexual harassment and violent interrogation. The law requires male members of the families of female prisoners to arrange their release; however, female prisoners regularly were held in jail past the expiration of their sentences because their male relatives refused to authorize their release due to the shame associated with their alleged behavior.

There was continued attention focused during the year on the circumstances of women prisoners. Several Nongovernmental Organizations (NGOs), often with government support, undertook activities to address the legal and other problems of female prisoners (*see* Section 4). For example, the Women's National Committee published a report outlining the problems and suggesting solutions to the plight of women in prison during the year.

Unauthorized "private" prisons were a problem. Most such prisons were in rural areas controlled by tribes, and many were simply a room in a tribal sheikh's house. Persons detained in such prisons often were held for strictly personal or tribal reasons and without trial or sentencing. There were credible reports of the existence of private prisons in government installations, although senior officials did not sanction these prisons.

During the year, efforts continued to implement directives intended to align arrest, interrogation, and detention procedures more closely with internationally accepted standards. For example, the Ministry of Interior created detention and interrogation centers in each governorate (including four in Sana'a), to prevent suspects from being detained with convicted criminals.

In November the President celebrated the Islamic holy month of Ramadan by arranging for the release of dozens of prisoners. During the year, the Government's Supreme National Committee for Human Rights continued the 2000 government initiative, which permits the release of prisoners who, in keeping with tribal or Islamic law, were being held in prison pending payment of restitution to their victims, despite having completed their sentences.

The Government tightly controlled access to detention facilities by NGOs, although in some cases it permitted local and international human rights monitors access to persons accused of crimes. In 2000 the International Committee of the Red Cross (ICRC), with the Government's full cooperation, conducted a comprehensive inspection of the country's major prisons. While serious problems remain, the ICRC acknowledged the Government's commitment to penal reform and noted that the Government had made significant improvements since the 1995 ICRC inspection, especially with regard to the incarceration of persons with mental disabilities.

Patients with mental illness, particularly those who commit crimes, were imprisoned and even shackled when there was no one to care for them. In some instances, authorities arrested persons with mental illness without charge and placed them in prisons alongside criminals. The ICRC, in cooperation with the Yemeni Red Crescent Society, built and staffed separate detention facilities for prisoners with mental illness.

The PSO did not permit access to its detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The law provides due process safeguards; however, security forces arbitrarily arrest and detain persons. Enforcement of the law was irregular and in some cases nonexistent, particularly in cases involving security offenses. According to the law, detainees must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. In no case may a detainee legally be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge were common practices.

During the year, in concert with partners in the war on terrorism, the Government continued to detain suspects accused of links to terrorism. According to the Yemen Times, in July, the Government released 104 detainees. A parliamentary report issued in September contained an acknowledgement by the Minister of Interior that such detentions violated the Constitution; however, it asserted that they were necessary for national security. In November the President celebrated the Islamic holy month of Ramadan by arranging for the release of approximately 30 detainees; at year's end, approximately 80 persons remained in detention.

Amar Mahmoud Ali Abdo al-Madhagi reportedly was in prison and awaiting trial at year's end.

During the year, the Government continued to detain journalists for questioning concerning articles critical of the Government or that the Government considered sensitive. For example, in May the PSO detained journalist Abdul-Rahim Muhsen

and held him incommunicado for 6 days and did not release him from prison for 19 days (*see* Section 2.a.). An increase in the number of such incidents occurred for the first time since 1999.

The law prohibits incommunicado detentions. The law provides detainees with the right to inform their families of their arrests and to decline to answer questions without an attorney present. There were provisions for bail. In practice many authorities abide by these provisions only if bribed.

Citizens regularly claim that security officials did not observe due process procedures when arresting and detaining suspects, particularly those accused of involvement in political violence. There also were claims that private individuals hired lower-level security officials to intervene on their behalf and harass their business rivals. Security forces at times detained demonstrators (*see* Section 2.b.).

In cases in which a criminal suspect was at large, security forces in some instances detain a relative while the suspect was being sought. The detention may continue while the concerned families negotiate compensation for the alleged wrongdoing. Arbitration, rather than the court system, commonly was used to settle cases.

The Government failed to ensure that detainees and prisoners were incarcerated only in authorized detention facilities. Unlike in previous years, the Ministry of Interior and the PSO operated extrajudicial detention facilities.

A large percentage of the total prison population consists of pretrial detainees. There have been allegations that a large number of persons have been imprisoned for years without documentation concerning charges against them, their trials, or their sentences.

While some cases of those being held without charge have been redressed through the efforts of local human rights groups and government inspection missions (and some illegally detained prisoners released), the authorities have not investigated nor resolved these cases adequately.

Unauthorized private prisons also exist (*see* Sections 1.c. and 1.e.).

The law does not permit forced exile. The Government does not use forced exile. However, at the end of the 1994 war of secession, the Government denied amnesty to the 16 most senior leaders of the armed, secessionist Democratic Republic of Yemen (DRY) who fled abroad. Although they were not forced into exile, some were subject to arrest if they return. The trial of the so-called "16" concluded in March 1998. During the year, with the encouragement of the Government, prominent southern journalists, military officers, and their families who fled the country during the 1994 war of secession returned to the country, including Salim Saleh (*see* Section 1.e.).

During the year, the Government deported more than 100 foreigners, many of whom were studying at Muslim religious schools, who allegedly were in the country illegally. The Government claimed that these persons were suspected of inciting violence or engaging in criminal acts by promoting religious extremism. The Government deported them using existing laws that require all foreigners to register with the police or immigration authorities within a month of arrival in the country.

e. Denial of Fair Public Trial.—The Constitution provides for an "autonomous" judiciary and independent judges; however, the judiciary was not fully independent, and it was weak and severely hampered by corruption, and executive branch interference. The executive branch appointed judges, and some have been harassed, reassigned, or removed from office following rulings against the Government. Many litigants maintain, and the Government acknowledges, that a judge's social ties and bribery at times influence the verdict more than the law or the facts. Many judges were poorly trained; some closely associated with the Government often render decisions favorable to it. The judiciary was hampered further by the Government's frequent reluctance to enforce judgments. Tribal members at times threatened and harassed members of the judiciary.

There were five types of courts: Criminal; civil and personal status; kidnaping/terrorism; commercial; and court-martial.

All laws are codified from Shari'a, under which there are no jury trials. Criminal cases were adjudicated by a judge, who plays an active role in questioning witnesses and the accused. Under the Constitution and by law, the Government must provide attorneys for indigent defendants; however, in practice this never occurs. Judges at times "appoint" attorneys present in their courtrooms to represent indigent defendants; however, most accept to avoid displeasing judges before whom they must appear later.

By law prosecutors were a part of the judiciary and independent of the Government; however, in practice prosecutors considered themselves as an extension of the police.

Defense attorneys were allowed to counsel their clients, address the court, and examine witnesses. Defendants, including those in commercial courts, have the right

to appeal their sentences. Trials generally were public; however, all courts may conduct closed sessions "for reasons of public security or morals." Foreign litigants in commercial disputes have complained of biased rulings. However, some foreign companies have won cases against local defendants, and some such decisions have been enforced.

In addition, to regular courts, the law permits a system of tribal adjudication for noncriminal issues, although in practice tribal "judges" often adjudicate criminal cases as well. The results of such mediation carry the same if not greater weight as court judgments. Persons jailed under the tribal system usually were not charged formally with a crime but stood publicly accused of their transgression.

A special court tried persons charged with kidnaping, carjacking, attacking oil pipelines, and other acts of banditry and sabotage (*see* Section 1.b.). In May this court handed down a sentence to an offender who had thrown two grenades over the U.S. Embassy wall on March 15; however, the sentence subsequently was reduced to 10-years on grounds that the perpetrator suffered from psychological problems.

The Government continued its program begun in 1997 to reform the judiciary. While the program has not yet been completed, some attorneys cite improvements, including a reduction in the number of Supreme Court justices from 90 to 40 in 1998, an increase in judges' salaries to deter corruption, an increase in the Ministry of Justice's budget in 2000, and participation by judges in workshops and study tours conducted by foreign judicial officials. However, there have not yet been any tangible impacts on the administration of justice.

During the year, the country's Higher Judicial Council, chaired by the President, dismissed 35 judges and prosecutors for violating the law. In 2001 the Higher Judicial Council dismissed 20 judges and prosecutors and forced 108 others to retire. The council also strengthened the Ministry of Justice's authority to investigate and prosecute allegations of judicial abuse, and instructed the Accountability Council to accelerate its investigation of pending cases.

The security services continued to arrest and prosecutors to charge and try persons alleged to be linked to various shootings, explosions, bombings, and other acts of violence. Citizens and human rights groups alleged that the judiciary did not observe due process in these cases.

In September the Parliament issued a report on detainees held in connection with terrorist activities. In the report, detainees' family members alleged that detainees were held without family notification, without counsel, without charges, and without basic privileges such as health care. Family members alleged that some were held in isolation and tortured. The Minister of Interior acknowledged that the detainees were held, but asserted that it was necessary for national security. He denied the torture charges and said that the detainees related to the USS Cole attacks would be charged and prosecuted after investigation in cooperation with international law enforcement partners. By year's end, the investigation into the attack was transferred to the General Prosecutor to prepare for trial, and several suspects were in custody (*see* Section 1.a.). In 2001 the lawyer claimed that authorities denied him access to his clients. There also were expressions of concern that the prosecution had postponed proceeding to trial to give security officials more time to investigate. However, there have been no reports of allegations of torture from persons detained in connection with the USS Cole investigation.

In January 2001, explosive devices were detonated in Aden outside the Anglican Christ Church, which is used as a transient hotel by seamen, and the official SABA News Agency office. Authorities attributed the bombings to religious extremists, possibly affiliated with the Aden-Abyan Islamic Army (AAIA). Five persons were arrested and their trial began in April 2001. In August three of five persons were convicted of planning and carrying out the bombings and received sentences of 6, 2 ½, and 2 years, respectively. One defendant was acquitted for lack of evidence and the fifth defendant's fate was unknown.

The Government claims that it does not hold political prisoners. Local opposition politicians and human rights activists generally accept this claim; however, some international human rights groups and members of the opposition-in-exile dispute it.

At the end of the 1994 war of secession, the President pardoned nearly all who had fought against the central government, including military personnel and most leaders of the unrecognized DRY. In previous years, the Government tried in absentia the DRY leaders of the so-called "16." In January, Yemeni Socialist Party figure Salim Saleh, accompanied by President Saleh, returned from his self-imposed exile. At year's end, the President issued an amnesty to all but 4 of the "16."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Despite constitutional provisions against government interference with privacy, security

forces routinely searched homes and private offices, monitored telephones, read personal mail, and otherwise intruded into personal matters for alleged security reasons. Such activities were conducted without legally issued warrants or judicial supervision. Security forces regularly monitored telephone conversations and interfered with the telephone service of government critics and opponents. Security forces sometimes detained relatives of suspects while the suspect was being sought (*see* Section 1.d.). Government informers monitored meetings and assemblies (*see* Section 2.b.).

The Government reportedly blocked sexually explicit Web sites, but did not block politically oriented sites (*see* Section 2.a.). The Government claimed that it did not monitor Internet usage, but some persons suspected security authorities read their e-mail messages. There have been no reports that the Government has taken action against Internet users.

The law prohibited arrests or the serving of a subpoena between the hours of sundown and dawn. However, persons suspected of crimes in some instances were taken from their homes in the middle of the night, without search warrants.

No citizen may marry a foreigner without Interior Ministry permission (*see* Section 5). This regulation does not carry the force of law and appears to be enforced irregularly. However, some human rights groups have raised concerns about the regulation.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press "within the limits of the law"; however, the Government influenced the media and restricted press freedom. Some security officials attempted to influence press coverage by threatening, harassing, and detaining journalists. Although most citizens were uninhibited in their private discussions of domestic and foreign policies, some were cautious in public, fearing harassment for criticism of the Government. The Penal Code criminalizes, with fines and sentences up to 5 years in jail, "the humiliation of the State, the Cabinet, or parliamentary institutions," the publication of "false information" that "threatens public order or the public interest," and "false stories intended to damage Arab and friendly countries or their relations with Yemen."

An atmosphere of government pressure on independent and political party newspapers continued at a higher level than before the war of secession, despite a presidential amnesty to all journalists in July. The Government used criminal prosecution, censorship, arrests, and intimidation directed at journalists. For example, three journalists were convicted on June 4, of "religious sedition" and "harming national unity" and given 5-month suspended sentences. However, in June 2001, with the Government's permission and encouragement, eight prominent southern journalists who fled the country after the 1994 war of secession returned to the country and resumed their careers.

The Ministry of Information influenced the media through its control of most printing presses, subsidies to certain newspapers, and its ownership of the country's sole television and radio outlets. Only one newspaper, the thrice-weekly Aden independent Al-Ayyam, owned its own press. The Government selected the items to be covered in news broadcasts, and it often did not permit broadcast reporting critical of the Government. However, during the most recent presidential election campaign, the media extensively reported in full the many critical comments made by the President's opponent. The Government televised parliamentary debates, but it may edit them selectively to remove criticism.

Press Law regulations specify that newspapers must apply annually to the Government for licensing renewal, and that they must show continuing evidence of about $4,375 (700,000 riyals) in operating capital. Some journalists claimed that the regulations were designed to drive some opposition newspapers out of business.

Although newspapers ostensibly were permitted to criticize the Government, journalists at times censored themselves, especially when writing on such sensitive issues as government policies toward the southern governorates, relations with Saudi Arabia and other foreign governments, official corruption, and combating terrorism. Journalists were subject to arrest for libel, dismissal from employment, or extrajudicial harassment. However, during the year the press extensively covered the parliamentary report on detainees who criticized the Government for their treatment (*see* Section 1.d.).

Editors-in-chief legally were responsible for everything printed in their newspapers, regardless of authorship. Some journalists have reported being threatened by security officials to change the tone and substance of their reporting. Journalists must have a permit to travel abroad, although there were no reports that this restriction was enforced during the year (*see* Section 2.d.). During the year, the Gov-

ernment enforced a 2001 circular prohibiting publication of information or news pertaining to the armed forces before "consulting" with the Ministry of Defense when journalists who reported on an alleged shooting of a military helicopter were harassed and detained by security officials.

Most individual journalists and the Yemeni Journalists Syndicate agreed that the number of such incidents increased during the year for the first time since 1999. In July the President issued amnesty for all journalists in detention or awaiting trial. The amnesty directed the General Prosecutor to stop all cases filed against journalists awaiting prosecution. The orders also required journalists to pledge to discontinue reporting that goes against the law, national norms, or national unity. Because of these orders, no journalist signed the pledge and while detainees have been released, no cases have been resolved. Some journalists claimed that most harassment comes from the police, in particular the CID, and no longer the PSO. Cases and ongoing trials involving journalists often were not resolved formally, but rather were settled through unofficial agreements between the Government and the journalists, or languished indefinitely.

During the year, approximately 30 journalists from 23 media institutions were investigated, charged, or imprisoned. By year's end, the Ministry of Interior also shut down three opposition newspapers. In May Abdul-Rahim Muhsen, a journalist for the Yemeni Socialist Party's newspaper Al-Thawri, was arrested by the PSO. He was interrogated and detained until July, despite a court sentence of 5 months imprisonment. He had written articles that were critical of the Government. On June 5, Ibrahim Hussein, an Al-Thawri journalist, also was sentenced to 5 months in jail. Two weeks later, Hussein was rearrested and imprisoned by the PSO and held incommunicado. On July 9, he was released pending trial. The case was pending at year's end.

In June the Supreme Court upheld a lower court's 2001 decision to suspend publication of Al-Shumu for approximately 1 year for alleging corruption in the Ministry of Education. The Supreme Court also fined Seif al-Hadhri, Al-Shumu's editor-in-chief $59 (10,000 riyals). The Court also sentenced al-Hadhri to 6 months in prison and banned him from practicing journalism for 10 months. Human rights groups criticized the verdict and the sentence had not been carried out by year's end. Al-Hadhri continues to practice journalism and in late summer resumed publication of Al-Shumu'. During the year, al-Hadhri reported negatively about the Ministry of Interior, and subsequently the entire editorial board was arrested and held for 21 days in jail. The editorial board was released, and the case was pending at year's end.

There were no developments in two cases involving articles that criticized the Government of Saudi Arabia: The 2000 court cases of Jamal Ahmed Amer, a journalist for al-Usbu' newspaper and a member of the opposition Nasserist Party and Dr. Qasim Sallam, the general secretary of the opposition Arab Socialist Baath Party. Amer was detained and held incommunicado for 6 days for writing an article critical of Yemeni-Saudi relations. Sallam wrote an article that alleged that there were supporters of Israel in the Saudi leadership.

There were no developments in the 2000 case of Hisham Ba Sharahil, the editor of al-Ayyam who was charged with "instigating the use of force and terrorism" and "publishing false information" for publishing an interview with Islamic militant Abu Hamza al-Masri in 1999. He also was charged with "insulting public institutions" for publishing an article critical of the Director of Aden Security from the secessionist Movement of Self-Determination for South Arabia (HATAM). Ba Sharahil's case was ongoing at year's end.

The Yemeni Journalists Syndicate defends freedom of the press and publicizes human rights concerns. Critics claim that the syndicate was ineffective because it has too many nonjournalist members who support government policy. In previous years, several independent and opposition party journalists formed a rival union, the Committee for the Defense of Journalists, under the leadership of Hisham Ba Sharahil, the publisher of al-Ayyam newspaper, to defend more vigorously journalists harassed by the Government.

Customs officials confiscate foreign publications regarded as pornographic or objectionable because of religious or political content. In April 2001, PSO officials in Taiz detained Faysal Said Fara'a, the director of a private cultural center, for 1 day of questioning following his alleged receipt of banned books dealing with the opposition. There were no reports during the year that the Ministry of Information delayed the distribution of international Arabic-language dailies in an effort to decrease their sales in the country, as had occurred in previous years. However, authorities monitor foreign publications, banning those that they deem harmful to national interests.

An author must obtain a permit from the Ministry of Culture to publish a book. Most books were approved, but the process was time-consuming. The author must

submit copies of the book to the Ministry. Officials at the National Library must read and endorse the text, and then it is submitted to a special committee for final approval. If a book is not deemed appropriate for publication, the Ministry simply does not issue a decision. Publishers usually do not deal with an author who has not yet obtained a permit.

In June the Western Court of Sana'a asked the public prosecutor to arrest Wajdi al-Ahdal, a novelist, for allegedly "abusing Islam and undermining the country's conventions." The Ministry of Culture ordered copies of his book removed from shelves and ordered the closing of the publisher. In May al-Ahdal left the country.

Internet use increased significantly. An estimated 46,400 persons used the Internet, and 11,600 persons subscribed to it. There were more than 80 Internet cafes in Sana'a and approximately 30 in other cities. The Government did not impose restrictions on Internet use, but most persons claimed that equipment and subscriptions costs were prohibitively high. Teleyemen, a parastatal company under the Ministry of Telecommunications, and YemenNet were the country's Internet service providers. The Government did not block politically oriented Web sites.

The Government restricted academic freedom to some extent because of the extreme politicization of university campuses. A majority of professors and students aligned themselves with either the ruling GPC party or the opposition Islaah party. Each group closely monitored the activities of the other. Top administrative positions usually were awarded to political allies of these two major parties. There were several clashes between GPC- and Islaah-affiliated students during the year, but no serious violence.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The Government claimed that it banned and disrupted some demonstrations to prevent them from degenerating into riots and violence. The Government required a permit for demonstrations, which it issued routinely. Government informers monitored meetings and assemblies. The opposition claimed that the Government sometimes detained activists for questioning to prevent them from organizing demonstrations.

Unlike in previous years, there were no reports of members of the security forces using excessive force to disperse demonstrations. There were a number of small, peaceful demonstrations during the year.

Authorities reportedly arrested the soldier responsible for the April 2001 killing of a demonstrator in al-Dalah governorate, but there was no information regarding whether he was disciplined. Residents of al-Dalah long have resisted central government authority, and the governorate for many years has been the scene of frequent (and at times violent) clashes between often-armed residents and security forces.

The Constitution provides for the freedom of association, and the Government generally respected this right in practice. Associations must obtain an operating license from the Ministry of Social Affairs or the Ministry of Culture, usually a routine matter. Government informants monitor meetings and assemblies.

The Government cooperates to some extent with NGOs, although NGOs complain that there is a lack of response to their requests from government officials. Some part of the Government's limited responsiveness was due to a lack of material and human resources. In January 2001, the Parliament passed the controversial Law for Associations and Foundations, which regulates the formation and activities of NGOs (*see* Section 4).

All political parties must be registered in accordance with the Political Parties Law, which stipulates that each party must have at least 75 founders and 2,500 members (*see* Section 3).

c. Freedom of Religion.—The Constitution declares that Islam is the official religion and also provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions.

Followers of other religions were free to worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, the Government forbids conversions, requires permission for the construction of new places of worship, and prohibits non-Muslims from proselytizing and holding elected office. The Government does not designate religion on passports or identity cards. The Constitution states that Shari'a is the source of all legislation.

Under Islam the conversion of a Muslim to another religion is considered apostasy, a crime punishable by death. There were no reports of cases in which the crime was charged or prosecuted by government authorities.

Official government policy does not prohibit or prescribe punishment for the possession of non-Islamic religious literature. However, there were unconfirmed reports that foreigners, on occasion, have been harassed by police for its possession. In addition, ostensibly to prevent proselytizing, some members of the security forces occa-

sionally censored the mail of Christian clergy who minister to the foreign community.

The Government did not allow the building of new non-Muslim public places of worship without permission. Weekly services for Catholic, Protestant, and Ethiopian Christians were held in various locations in Sana'a without government interference. Christian church services were held regularly in other cities without harassment in private homes or facilities such as schools, and these facilities appear to accommodate the small numbers involved.

There were unconfirmed reports that some police, without the authorization or knowledge of their superiors, on occasion have harassed and detained persons suspected of apostasy to compel them to renounce their conversions.

Public schools provided instruction in Islam but not in other religions. However, almost all non-Muslims were foreigners who attended private schools.

The Government has taken steps to prevent the politicization of mosques in an attempt to curb extremism. This included the monitoring of mosques for sermons that incite violence or other political statements that it considered harmful to public security. Private Islamic organizations may maintain ties to pan-Islamic organizations and, in the past, have operated private schools, but the Government monitored their activities.

The Government has taken steps to criticize publicly efforts by some clerics to foment hatred and announced a plan to deny the use of madrassahs (Islamic religious schools) for extremist purposes. The Government threatened religious academies with closure, and deported hundreds of foreign students. In May 2001, the Government mandated the implementation of a 1992 law to unify educational curriculums and administration of all publicly funded schools. Publicly funded Islamic schools would be absorbed into the national system. This process began in 2001, but the full implementation of the law remained ongoing.

In 2000 the Government suspended its policy (enacted earlier that same year) of allowing Yemeni-origin Israeli passport holders to travel to Yemen on laissez-passer documents. However, Yemeni, Israeli, and other Jews may travel freely to and within the country on non-Israeli passports (*see* Section 2.d.).

Following unification of North and South Yemen in 1990, owners of property previously expropriated by the Communist government of the former People's Democratic Republic of Yemen (PDRK), including religious organizations, were invited to seek restitution of their property. However, implementation of the process, including for religious institutions, has been extremely limited, and very few properties have been returned to previous owners.

Shari'a-based law and social custom discriminate against women (*see* Section 5). Men were permitted to take as many as four wives, although very few do so. By law the minimum age of marriage is 15. However, the law largely is not enforced, and some girls marry as early as age 12.

On December 30, an individual killed 3 foreign medical staff and injured 1 in a hospital in Jibla. The person was arrested immediately after the shooting.

There reportedly were no developments in the case of the five individuals who were arrested in connection with the 2001 bombing of Christ Church in Aden. Their trial began in April 2001 and concluded in August. No details of the trial were released to the public. There reportedly were no developments in the case of a Muslim individual who opened fire on worshipers during evening prayers at the local mosque in Dhabyan. The shootings appeared to be criminally rather than religiously motivated.

Nearly all of the country's once sizable Jewish population has emigrated. There were no legal restrictions on the few hundred Jews who remain, although there were traditional restrictions on places of residence and choice of employment (*see* Section 5).

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government places some limits on freedom of movement. In general the Government did not obstruct domestic travel, although the army and security forces maintained checkpoints on major roads. There were a few reports during the year that security forces at checkpoints killed or injured persons whom they believed were engaging in criminal activity and resisting arrest.

In certain areas, armed tribesmen occasionally manned checkpoints alongside military or security officials, and subjected travelers to physical harassment, bribe demands, or theft.

The Government did not routinely obstruct foreign travel or the right to emigrate and return. However, journalists must have a permit to travel abroad. There were no reports that the restriction on journalists was enforced during the year (*see* Sec-

tion 2.a.). Women must obtain permission from a male relative before applying for a passport or departing the country.

Immigrants and refugees traveling within the country often were required by security officials at government checkpoints to show that they possessed resident status or refugee identification cards.

During the year, in an intensified effort to address terrorism and perceived religious extremism, the Government enforced existing laws that previously had been applied only erratically, and deported foreigners who were in the country illegally or whom it suspected of inciting violence or engaging in criminal acts. The initiative was not applied to refugees, and there were no reports of due process violations.

The law does not include provisions for granting asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government continues to grant refugee status on a group basis to Somalis who arrived in the country after 1991.

In 2000 the Government offered asylum to 56,524 Somalis. The Government also cooperated with the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees from Eritrea (2,560 persons), Ethiopia (1,203 persons), and various other countries (252 persons). The Government permitted the UNHCR to monitor the situation of an estimated 2,000 Iraqis in Yemen.

Approximately 43,000 Somali refugees have been integrated into society and received medical treatment assistance from UNHCR. In January 2001, the Government established the National Committee for Refugee Affairs, which is composed of the Ministries of Interior and Foreign Affairs, the Immigration Authority, and the Political Security Organization, to handle refugee questions.

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

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

The Constitution provides citizens with the right to change their government; however, there were limitations in practice. The Government by law is accountable to the Parliament; however, the Parliament was not an effective counterweight to executive authority. Decisionmaking and real political power still rested in the hands of the executive branch, particularly the President. In addition, the Constitution prohibits the establishment of parties that are contrary to Islam, oppose the goals of the Yemeni revolution, or violate the country's international commitments.

The President appoints the Prime Minister, who forms the Government. The cabinet consists of 35 ministers. Parliament is elected by universal adult suffrage; the first such election was held in 1993. International observers judged the 1997 parliamentary elections and 2001 local council elections as "reasonably free and fair," despite some problems associated with the voting.

Ali Abdullah Saleh, the President and leader of the GPC, was elected to a 5-year term in the country's first nation-wide direct presidential election in September 1999, winning 96.3 percent of the vote. The Constitution provides that the President is elected by popular vote from at least two candidates endorsed by Parliament, and the election was generally free and fair; however, there were some problems, including the lack of a credible voter registration list. In addition, the President was not opposed by a truly competitive candidate because the candidate selected by the leftist opposition coalition did not receive from the GPC-dominated Parliament the minimum number of votes required to run (the other opposition party chose not to run its own candidate, despite its seats in Parliament). The President's sole opponent was a member of the GPC. There was no significant violence associated with the election.

Although the Constitution permits Parliament to initiate legislation, to date it has not done so. Parliament generally was relegated to debating policies that the Government already had submitted, although it increasingly and successfully revised or blocked draft legislation submitted by the Government. In addition, the Government routinely consulted senior parliamentary leaders when it drafted important national legislation. Despite the fact that the President's party enjoyed an absolute majority, Parliament has rejected or delayed action on major legislation introduced by the Government and has forced significant modification. The Parliament also has criticized strongly the Government for some actions, including the issue of detainees and aspects of the Government's counterterrorism campaign. Ministers frequently were called to Parliament to defend actions, policies, or proposed legislation, although they may and sometimes do refuse to appear. Parliamentarians at times were sharply critical during these sessions. Parliamentarians and parliamentary staff attend foreign NGO-sponsored training workshops designed to increase their independence and effectiveness.

In a national referendum held in February 2001, citizens approved several amendments to the Constitution, including amendments that would extend the terms of Members of Parliament from 4 to 6 years and the President from 5 to 7 years, allow the President to dissolve Parliament without a referendum in rare instances, and abolish the President's ability to issue decrees while Parliament was in recess. Another approved amendment transformed the 59-member Consultative Council, an advisory board to the President, into an appointed 111-member Shura Council. The new Council, like the old, advises the President on a range of issues and consists of appointed members chaired by a former prime minister. However, unlike its predecessor, which had no constitutional role, the Shura Council has limited legislative and candidate approval powers.

Formal government authority is centralized in Sana'a; many citizens, especially in urban areas, complain about the inability of local and governorate entities to make policy or resource decisions. The Local Authority Law, considered by the Government as an important part of its ongoing democratization program, decentralizes authority by establishing locally elected district and governorate councils. Government-appointed governors headed the councils. The first elections for the councils were held concurrently with the constitutional referendum in February 2001. A few local councils still were not constituted at year's end and many continued to lack sufficient resources.

In some governorates, tribal leaders exercised considerable discretion in the interpretation and enforcement of the law. Central government authority in these areas often was weak.

In October voter registration was held for parliamentary elections scheduled to take place in April 2003. Total registration increased to more than 8 million voters, and women's registration increased 40 percent. Approximately seven persons were killed in registration-related violence. Forty-two persons were wounded in more than 400 incidents of violence.

In general the elections and referendum in 2001 appeared to be free and fair; however, there were problems. Approximately 28 persons were killed and 47 injured in election-related violence. There were some reports of fraud, as well as logistical problems in voting procedures.

The multiparty system remained weak. The GPC dominated the Parliament, and Islaah was the only other party of significance in Parliament. However, the Yemeni Socialist Party (YSP) declared its intention to participate in the April 2003 elections. All parties must be registered in accordance with the Political Parties Law of 1991, which stipulates that each party must have at least 75 founders and 2,500 members. Some oppositionists contended that they were unable to organize new parties because of the prohibitively high legal requirements regarding the minimum number of members and leaders. The YSP and several smaller parties boycotted the country's first nationwide direct presidential election in September 1999, but they returned to active political life by participating in the February 2001 local elections and constitutional referendum.

The Government provided financial support to political parties, including a small stipend to publish their own newspapers. However, the YSP claims that the Government has yet to return the assets that it seized from the party during the 1994 war of secession.

An extensive cabinet change in April 2001 expanded the Cabinet from 24 to 35 ministers, restructured existing ministries, and created several new ministries to place greater emphasis on important national issues, such as population, the environment, and human rights. The new government program focuses on domestic reform, with particular attention to human development, including education, economic development, electoral reform, political decentralization, judicial reform, and human rights.

There were 2 women in the 301-seat legislature. There were no women in the Supreme Court. There was 1 woman in the Cabinet. Two women were elected to the Parliament in 1997 (the same number as in 1993), and an increasing number hold senior leadership positions in the Government or in the GPC. The country's first female minister was appointed in April 2001, and 35 women were elected to the local councils. Voter registration of women is less than half that of men although the October voter registration showed a 40 per cent increase in the levels of women's registration. Approximately 30 percent of women in the country voted in the last election.

Many Akhdam, a small ethnic minority who may be descendants of African slaves, did not participate in the political process. There were no credible reports that citizen members of religious minorities were not permitted to participate in the political process (*see* Section 2.c.).

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

The concept of local nongovernmental human rights organizations is relatively new, with the first groups forming only in the 1990s. During the year, several groups held workshops and other activities without government interference and often with government support.

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes were cooperative and responsive to their views; however, NGOs complained that at times there was a lack of response to their requests. Some part of the Government's limitation in responsiveness was due to a lack of material and human resources. During the year, several government-sponsored initiatives were aimed at furthering cooperation with NGOs. For example, in October the Shura Council sponsored a workshop that brought together more than 20 NGOs with government officials and journalists.

The Taiz-based HRITC, domestic human rights NGO, placed particular emphasis on education and NGO training. During 2001 the HRITC sponsored numerous public lectures, training workshops, and conferences, and participated in several meetings of the international human rights community. During the year, the HRITC continued its work and developed a directory of NGOs operating in the country. Several donors have supported the HRITC. The HRITC did not conduct any investigations into alleged human rights abuses during the year.

The Sana'a-based NGO Forum for a Civil Society focuses on human rights within the context of establishing a legal framework for prosecuting violators and helping to reconcile draft legislation that is inconsistent with the Government's human rights policy or stated responsibilities. The forum was instrumental in raising public opinion and opposition to problems within the draft NGO and police laws (*see* Section 2.b.). The forum also is reviewing the Personal Status and Civil Procedure Laws to investigate how the laws affect women's rights (*see* Section 5) and is involved in anticorruption endeavors and prison reform. The group publishes the monthly Al-Qistas.

The Yemen Institute for Developing Democracy objective in creating the group, Yemeni Democratic Forum, was to create a mechanism that would promote democratic participation and government-civil society engagement. During the year, it monitored the voter registration process to ensure it was generally free and fair.

The National Center for Human Rights and Democratic Development (NCHRDD) participated with other organizations in prison inspection tours.

AI, Human Rights Watch, the Parliament of the European Union, and the Committee to Protect Journalists observed the country closely. The ICRC maintained a resident representative. The Government has given these groups broad access to government officials, records, refugee camps, and prisons (*see* Section 1.c.).

The Supreme National Committee for Human Rights (SNCHR), which reported to the Deputy Prime Minister, who also was Minister of Foreign Affairs, was dissolved in June 2001, reconstituted, and then placed under the authority of the new Minister of State for Human Rights. The SNCHR had been responsible for ensuring that the country met its obligations with respect to implementing international human rights conventions and investigating specific instances of abuse. The committee viewed, as its highest priority, education as a means to effect cultural change. It undertook several human rights educational projects, including incorporating human rights education into secondary school curriculums and providing human rights workshops for police officers and other security officials. The committee was less active in investigating specific cases of abuse.

The Government created a new Human Rights Ministry in April 2001, headed by the country's first female minister. The country's Minister of State for Human Rights, Dr. Wahibah Fare'e, was a prominent women's rights activist and the founder of Queen Arwa University. Dr. Fare'e has identified women's rights, the rights of children and persons with disabilities, and prison reform as her priorities. Since her appointment, she has attended a number of human rights conferences and workshops.

The Human Rights Committee of the President's Shura Council conducted numerous prison inspections, and suggested that those prisoners who had finished their sentences but did not pay their fines be released (*see* Section 1.c.).

The Parliament's human rights committee participated in prison inspections during the year. The committee has no authority except to issue reports.

The Committee to Combat Torture is composed of 100 senior parliamentarians and party leaders, including some opposition members, but apparently was inactive during the year.

The Center for Future Studies, a think tank affiliated with the Islaah Party, issues an annual report on human rights practices, providing a wide-ranging overview of human rights. There is little follow-up to the report.

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

The Constitution states that "all citizens are equal in general rights and duties," and that society "is based on social solidarity, which is based on justice, freedom, and equality according to the law"; however, discrimination based on race, sex, and disability, existed. Entrenched cultural attitudes often affected women's ability to enjoy equal rights.

Women.—The law provides for protection against violence against women; however, such provisions rarely were enforced. Although spousal abuse reportedly was common, it generally was undocumented. Violence against women and children was considered a family affair and usually was not reported to the police. In the country's traditional society, an abused woman was expected to take her complaint to a male relative (rather than the authorities), who should intercede on her behalf or provide her sanctuary if required. The only institutionalized aid program for victims was a small shelter for battered women in Aden.

The law prohibits rape; however, it was a widespread problem.

The press and women's rights activists only recently have begun to investigate or report on violations of women's rights. During the year and in 2001, NGO-sponsored conferences attempted to raise the media's awareness of violence against women.

Female genital mutilation (FGM) was practiced. The prevalence of the practice varied substantially by region. Citizens of African origin or those living in communities with strong African influence were more likely to practice FGM. In January 2001, the Cabinet issued a decree making it illegal for public or private health service practitioners to practice FGM, and some government health workers and officials continued to discourage the practice actively and publicly. During the year, the January 2001 Cabinet decree was reissued as a presidential decree, making it illegal for heath service practitioners to practice FGM. On December 28, some NGOs in Hodeidah and Aden held a conference on combating FGM to discuss specific ways to combat the practice.

Prostitution is illegal; however, it occurred in practice.

The Penal Code allows for leniency for persons guilty of committing a "crime against honor," a euphemism for violent assaults or killings committed against a female for her perceived immodest or defiant behavior. Legal provisions regarding violence against women state that an accused man should be put to death for murdering a woman. However, a husband who murdered his wife and her lover may be fined or imprisoned for a term not to exceed a year. Despite the apparent sanctioning of honor killings, most citizens, including women's activists, believed the phenomenon was not widespread. Some international NGOs claimed that the practice was more prevalent, but admitted to a lack of evidence to support such claims.

Women faced significant restrictions on their role in society. The law, social custom, and Shari'a, as interpreted in the country, discriminated against women. Men were permitted to take as many as four wives, although very few do so. By law the minimum age of marriage is 15. However, the law largely is not enforced, and some girls marry as early as age 12.

The law stipulates that the wife's "consent" to the marriage is required; consent is defined as "silence" for previously unwed women and "pronouncement of consent" for divorced women. The husband and the wife's "guardian" (usually her father) sign the marriage contract; in Aden and some outlying governorates, the wife also signs. The practice of bride-price payments is widespread, despite efforts to limit the size of such payments.

The law provides that the wife must obey the husband. She must live with him at the place stipulated in the contract, consummate the marriage, and not leave the home without his consent. Husbands may divorce wives without justifying their action in court. A woman has the legal right to divorce; however, she must provide a justification, such as her husband's nonsupport, impotence, or taking of a second wife without her consent. However, the expense of hiring a lawyer is a significant deterrent, as is the necessity for rural women to travel to a city to present their case. A woman seeking a divorce also must repay the mahr (a portion of her bride price), which creates an additional hardship. As a woman's family usually retains the mahr, the refusal by a family to pay the mahr effectively can prevent a divorce. The family's refusal to accept the woman back into the home also may deter divorce, as few other options are available to women. When a divorce occurs, the family home and older children often were awarded to the husband. The divorced woman usually returns to her father's home or to the home of another male relative. Her

former husband must continue to support her for another 3 months, since she may not remarry until she proves that she is not pregnant.

The Cabinet issued the "House of Obedience" law, which contained provisions that forced women who left their husbands to return. During the year, the law was passed by Parliament. A grassroots effort to lobby against the provisions was conducted by NGOs, lawyers, journalists, and the National Women's Committee (NWC). Subsequently, government removed the provisions that forced women to return to their husbands after they had left them.

Women who seek to travel abroad must obtain permission from their husbands or fathers to receive a passport and to travel (*see* Section 2.d.). They also were expected to be accompanied by male relatives. However, enforcement of this requirement is not consistent.

Shari'a-based law permits a Muslim man to marry a Christian or Jewish woman, but no Muslim woman may marry outside of Islam. Women do not have the right to confer citizenship on their foreign-born spouses; however, they may confer citizenship on children born in the country of foreign-born fathers.

According to an Interior Ministry regulation, any citizen who wishes to marry a foreigner must obtain the permission of the Ministry. A woman wishing to marry a foreigner must present proof of her parents' approval to the Interior Ministry. A foreign woman who wishes to marry a citizen man must prove to the Ministry that she is "of good conduct and behavior," and "is free from contagious disease." There were no corresponding requirements for men to demonstrate parental approval, good conduct, or freedom from contagious diseases. Although the regulation does not have the force of law and is applied irregularly, some human rights groups have raised concerns about it.

The Government consistently supported women's rights as exemplified by local law and the expansion of the public role of women. The President frequently speaks publicly about the importance of women in politics and economic development. Several ministries have a number of female directors general. In 2000 the Prime Minister established the Supreme Council for Women, an independent governmental body charged with promoting women's issues in the Government.

According to 2000 government statistics, approximately 68 percent of women were illiterate, compared with approximately 28 percent of men. The fertility rate is 6.5 children per woman. Most women have little access to basic health care.

In general women in the south, particularly in Aden, were better educated and have had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 war of secession, the number of working women in the south appears to have declined, due not only to the stagnant economy but also to increasing cultural pressure from the north. According to the UNDP, female workers account for 19 percent of the paid labor force. There were no laws prohibiting sexual harassment, and it occurs in practice.

Prior to unification, approximately half of the judges working in the PDRY were women. However, after the 1994 war of secession, conservative leaders of the judiciary reassigned many southern female judges to administrative or clerical duties. Although several female judges continue to practice in Aden, there were no female judges in northern courts.

The National Women's Committee (NWC), a government-sponsored semi-independent women's association, promotes women's education and civic responsibility through seminars and workshops and by coordinating donors' programs. The committee's chairwoman sits on the Prime Ministerial Supreme Council for Women. In July 2001, the NWC, in a legal reform project financed by the World Bank, completed a 6 month review of 58 significant national laws to find and rectify provisions that discriminated against women or violated equal status requirements agreed to by the Government in international conventions. The NWC's seven-member legal committee identified problems and recommended legal changes. The Cabinet approved the recommended changes in principle, with some revisions; however, Parliament passed no legislation regarding this matter by year's end. During the year, the NWC also pushed for a quota system to reserve at least 10 percent of the parliament seats for women. The Government passed no legislation regarding the guarantee by year's end.

There were a number of recently formed NGOs working for women's advancement, including the Social Association for Productive Families, promoting vocational development for women; the Women and Children's Department of the Center for Future Studies, organizing seminars and publishing studies on women and children; the Woman and Child Development Association, focusing on health education and illiteracy; and the Yemeni Council for Motherhood and Childhood, providing microcredit and vocational training to women.

Children.—While the Government asserts its commitment to protect children's rights, it lacked the resources necessary to ensure adequate health care, education, and welfare services for children. Malnutrition was common. The infant mortality rate in 1999 was 75 deaths per 1,000 births, down from 105 per 1,000 in 1998. Male children received preferential treatment and had better health and survival rates.

The law provides for universal, compulsory, and free education from ages 6 to 15; however, the provision regarding compulsory attendance is not enforced. Many children, especially girls, do not attend primary school. According to a UNDP report released during 2001, average student attendance in primary schools is 76 percent for boys and 40 percent for girls. In rural areas, 52 percent of children attend school; the rate in urban areas is 81 percent. In 1998 to encourage girls' attendance at school, the Government passed a law that eliminated school fees and the requirement of uniforms for girls. According to an UNICEF report, enrollment of girls in school increased by 4 percent in 1998.

Child marriage is common in rural areas. Although the law requires that a girl be 15 years of age to marry, the law is not enforced, and marriages of girls as young as age 12 occur.

The law does not prohibit Child abuse, and it was a problem.

FGM was practiced on a limited scale (*see* Section 5).

Persons with Disabilities.—Persons with mental and physical disabilities faced distinct social prejudices, as well as discrimination in education and employment. The Government mandated the acceptance of persons with disabilities in universities, exempted them from paying tuition, and required that schools be made more accessible to persons with disabilities; however, it was unclear to what extent these laws have been implemented. There is no national law mandating the accessibility of buildings for persons with disabilities.

Public awareness regarding the need to address the concerns of persons with disabilities appeared to be increasing. For example, during 2001 a privately funded center for persons with hearing and speaking impairments was established in Taiz. In 2000 donors financed the establishment of three new schools for persons with disabilities in Taiz governorate.

The Handicapped Society and the Challenge Society were involved in assisting persons with disabilities. These two NGOs provided rehabilitation assistance and vocational training, and sponsored cultural and sports activities.

National/Racial/Ethnic Minorities.—Citizens with a noncitizen parent at times face discrimination in employment and in other areas. Persons who sought employment at Sana'a University or admission to the military academy by law must demonstrate that they have two citizen parents. Nonetheless, many senior government officials, including Members of Parliament and ministers, have only one citizen parent. In some cases, naturalization of the noncitizen parent is sufficient to overcome the "two-Yemeni-parent" requirement.

A small group of persons claiming to be the descendants of ancient Ethiopian occupiers of the country who later were enslaved, were considered the lowest social class. Known as the "Akhdam" (servants), they live in poverty and endure persistent social discrimination. The Government's Social Fund for Development (SFD) for "special needs groups," focused particularly on the Akhdam. In July 2001, several Akhdam-origin citizens in Taiz governorate established the Free Black People's Charitable Organization to fight discrimination and improve conditions for their community.

Human rights groups have reported that some immigrants of African origin have difficulty in securing Interior Ministry permission to marry citizens. An Interior Ministry regulation required that marriages of citizens and foreigners be approved in advance by the Ministry (*see* Section 1.f.).

Tribal violence continued to be a problem during the year, and the Government's ability to control tribal elements responsible for acts of violence remained limited. For example, during January two persons were reported killed in tribal disputes between the al-Fukara and al-Saiad tribes in Mareb governorate. In March two persons were reported killed and four injured in Saada in a tribal leadership dispute between Bani Ghalfan and al-Bau Slamah tribes. In May five persons were killed and seven injured in a tribal dispute between al-Wahbi and al-Ubaysi tribes in al-Bayda governorate. Tensions, which periodically escalate into violent confrontations, continue between the Government and some tribes.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and Labor Law provide that citizens have the right to form and join unions; however, this right was restricted in

practice. The Government sought to place its own personnel in positions of influence inside unions and trade union federations.

The General Federation of Trade Unions of Yemen (GFWTUY) remained the sole national umbrella organization. The GFWTUY claimed approximately 350,000 members in 14 unions and denied any association with the Government, although it worked closely with the Government to resolve labor disputes through negotiation. Observers suggest that the Government likely would not tolerate the establishment of an alternative labor federation unless it believed such an establishment to be in its best interest.

Only the General Assembly of the GFWTUY may dissolve unions. The law provides equal labor rights for women, and it confirms the freedom of workers to associate. The Labor Law does not stipulate a minimum membership for unions, nor does it limit them to a specific enterprise or firm. Thus, citizens may associate by profession or trade.

The law generally protects employees from antiunion discrimination; however, during the year the International Confederation of Labor Unions identified weaknesses within this law. Employers do not have the right to dismiss an employee for union activities. Employees may appeal any disputes, including cases of antiunion discrimination, to the Ministry of Social Affairs and Labor. Employees also may take a case to the Labor Arbitration Committee, which is chaired by the Ministry of Labor and also consists of an employer representative and a GFWTUY representative. Such cases often were disposed favorably toward workers, especially if the employer was a foreign company.

The GFWTUY is affiliated with the Confederation of Arab Trade Unions and since November 2001 with the Brussels-based International Confederation of Free Trade Unions. The GFWTUY withdrew from the formerly Soviet-controlled World Federation of Trade Unions in January 2001.

b. The Right to Organize and Bargain Collectively.—The Labor Law provides workers with the right to organize and bargain collectively. The Government permitted these activities; however, it sought to influence them by placing its own personnel inside groups and organizations. The Ministry of Labor has veto power over collective bargaining agreements, a practice criticized by the International Labor Organization (ILO). Several such agreements exist. Agreements may be invalidated if they were "likely to cause a breach of security or to damage the economic interests of the country." Unions may negotiate wage settlements for their members and may resort to strikes or other actions to achieve their demands. Public sector employees must take their grievances to court.

The Labor Law provides for the right to strike; however, strikes were not permitted unless a dispute between workers and employers is "final" and "incontestable" (a prior attempt must have been made to settle through negotiation or arbitration). The proposal to strike must be submitted to at least 60 percent of all concerned workers, of whom 25 percent must vote in favor of the proposal. Permission to strike also must be obtained from the GFWTUY. Strikes for explicit "political purposes" were prohibited.

There were very few strikes during the year, and there were no reports of violence in connection with these strikes.

There are no export processing zones (EPZs) in operation; an EPZ is planned for Aden.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The established minimum age for employment is 15 years in the private sector and 18 years in the public sector. By special permit, children between the ages of 12 and 15 may work. The Government rarely enforced these provisions, especially in rural and remote areas. The Government also did not enforce laws requiring 9 years of compulsory education for children.

Child labor was common, especially in rural areas. Many children were required to work in subsistence farming because of the poverty of their families. Even in urban areas, children worked in stores and workshops, sold goods on the streets, and begged. Many school-aged children work instead of attending school, particularly in areas in which schools were not easily accessible.

In 2000 the President's Consultative Council (now the Shura Council) adopted the ILO's Child Labor Strategy to address persistent child labor problems. A special council, under the leadership of the Minister of Social Affairs and Labor, used the strategy as a government-wide guideline for enforcing existing child labor laws and formulating and implementing new laws.

The Child Labor Unit at the Ministry of Labor implemented and enforced child labor laws and regulations. The unit is responsible for investigating and addressing cases and issuing guidelines to prevent child labor. They have offices in 11 provinces, and have established specific guidelines to prevent child labor under the age of 12. The Government was an active partner with the International Program to Eliminate Child Labor.

e. Acceptable Conditions of Work.—There is no established minimum wage for any type of employment. The Labor Law states that "it shall not be permissible that the minimal level of the wage of a worker should be less than the minimal wages of government civil servants." During the year, the Government again increased civil servants' wages. Private sector workers, especially skilled technicians, earn a far higher wage. The average wage does not provide a decent standard of living for a worker and family.

The law specifies a maximum 48-hour workweek with a maximum 8-hour workday, but many workshops and stores operate 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was 7 hours per day from Saturday through Wednesday.

The Ministry of Labor was responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the Labor Law, but enforcement was weak to nonexistent. Many workers regularly were exposed to toxic industrial products and develop respiratory illnesses. Some foreign-owned companies as well as major manufacturers implement higher health, safety, and environmental standards than the Government required. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court. These laws were generally respected in practice.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

SOUTH ASIA

AFGHANISTAN

Afghanistan has experienced civil war and political instability for 23 years. The arrival of Operation Enduring Freedom (OEF) forces and the collapse of the Taliban in 2001 helped to begin to bring an end the decades-long pattern of serious human rights abuses. There was no functioning central government from 1996 until December 22, 2001, when the Afghan Interim Administration (AIA) took office. On December 5, 2001, a U.N.-sponsored Afghan peace conference in Bonn, Germany, approved a broad agreement for the establishment of transitional mechanisms, including a 6-month AIA to govern the country. There was a peaceful transfer of power from the AIA to the Transitional Islamic State of Afghanistan (TISA). As mandated by the Bonn Agreement, the AIA/TISA formed the Judicial Commission, the Human Rights Commission, and a Drafting Committee of the Constitutional Commission to begin the process of reform in these areas. A Civil Service Commission has yet to be named. In June the Emergency Loya Jirga, a gathering of Afghan representatives from throughout the country, elected Hamid Karzai as President of the Transitional Islamic State of Afghanistan. Karzai subsequently formed a cabinet including two female members and broad ethnic representation. The Loya Jirga was unable to reach a decision on formation of a legislative body and deferred its creation until elections scheduled for June 2004. Major provincial centers were under the control of regional commanders. With one significant exception in the southeast, these commanders acknowledged the Karzai administration as the legitimate central authority. Karzai appointed governors to all 32 provinces. The 1964 Constitution served as the interim Constitution. The legal framework of the country and judicial system of the country were also set forth in the Bonn Agreement. Existing laws, not inconsistent with the Bonn Agreement, the country's international obligations, or applicable provisions of the Constitution, remained in effect. Judicial power rested with the Supreme Court. Under the Karzai government, the rule of law applied throughout the country; however, in practice recognition of the rule of law, particularly outside of Kabul, was limited. Years of Soviet occupation and civil war resulted in the country's laws becoming a mix of codes. During these years, much of the formal judicial structure deteriorated. The judiciary continued to operate on an ad hoc basis.

During most of 2001, the Taliban, an ultra-conservative Islamic movement, controlled approximately 90 percent of the country. On October 7, 2001, OEF, a U.S.-led coalition, began military action aimed at toppling the Taliban regime and eliminating the al-Qa'ida network in the country. U.S. forces worked in concert with anti-Taliban forces of the Northern Alliance as well as others in the southern part of the country. By mid-November 2001, the Taliban had been removed from power. U.S. military operations continued during the year, especially in southern and eastern regions, to capture and detain remaining Taliban and al-Qa'ida fighters.

The International Security Assistance Force (ISAF), established on December 20, 2001, was responsible for the security of Kabul under the command of the United Kingdom and later Turkey. Outside the capital, regional commanders and warlords maintained local militias. Sporadic fighting continued across the north among rival commanders loyal to Jumbesh leader General Abdul Rashid Dostum and Jamiat-i Islami commander Mohammad Atta. There was also skirmishing in the west near Shindand between Herat leader Ismail Khan and Pashtun commander Amanullah Khan. In October Pacha Khan Zadran, a warlord in Khost/Paktia, fled from Khost after months of instigating attacks on forces loyal to the Karzai government and refusing to yield the governor's residence to a Karzai appointee.

The dislocations associated with more than 20 years of fighting, together with years of severe drought, reduced the country's economy to below subsistence level for a majority of the population. A U.N.-sponsored health survey in the north in January 2001 found alarming levels of malnutrition, especially among women and

children. Most of the population of approximately 25.8 million remained engaged in agriculture and animal husbandry. In previous years, opium poppy was the mainstay of the economy and largely financed the military operations of various provincial authorities. While production dropped dramatically in 2001 after a Taliban ban on poppy growth, cultivation resumed and produced one of the world's largest poppy harvests during the year. The severe drought affected more than half of the population and continued to affect severely approximately 5 to 6 million persons. The drought increased internal displacement and caused massive loss of livestock and loss of livelihood. Livestock losses were reported at approximately 50 percent. Crop loss in many areas averaged 75 percent. Additionally, a lack of resources and the prolonged civil war impeded reconstruction of irrigation systems, repair of market roads, and replanting of orchards. Since the AIA/TISA took office, rehabilitation efforts in these areas accelerated with international assistance. While the removal of the Taliban permitted increased mine clearance activity, millions of landmines and unexploded ordnance remained throughout the country, restricting areas available for cultivation. In October TISA successfully began introduction of a new currency. Formal economic activity consisted primarily of small to medium shops buying and selling a range of materials and goods transiting the country. There was little manufacturing or industrial activity. The country was dependent on international assistance, and large portions of the population required food aid to survive. Reconstruction, primarily in the areas of water and sanitation, hospitals, schools, and secondary roads, proceeded in differing degrees throughout the country.

The Government made significant progress in establishing democracy and good governance during its first full year of democratic government after prolonged civil war and political instability; however, reconstruction and recovery was the central focus of activity, and numerous problems remained. The Government allowed citizens the right to change their government through Loya Jirga elections that were deemed free and fair; however, there were some reports of intimidation and interference in the Loya Jirga process. Members of the security forces committed arbitrary, unlawful, and some extrajudicial killings, and officials used torture in jails and prisons. Prison conditions remained poor. Overcrowding and limited food and medical supplies contributed to deteriorating health and even death among prisoners. There were approximately 500,000 displaced persons. Sporadic fighting and related security concerns, as well as the drought, discouraged some refugees from returning to their country. The Karzai government generally provided for the freedom of speech, the press, assembly, association, religion, and movement; however, serious problems remained. Violence and societal discrimination against women and minorities were problems. Women and girls were subjected to rape and kidnaping, particularly in areas outside Kabul where security problems persisted. Local commanders in northern provinces targeted Pashtuns for murder, looting, rape, and destruction of property. Approximately 60,000 Pashtuns became displaced because of the violence. Worker rights were not defined, although the 1964 Constitution generally prohibited forced labor. Local reports indicated there was widespread disregard for and abuse of internationally recognized worker rights. Child labor persisted. Afghanistan was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

The remnants of the Taliban and rogue warlords sometimes threatened, robbed, attacked, and occasionally killed local villagers, political opponents, and prisoners. During the year, some efforts were made to bring to justice those persons responsible for serious abuses. On October 9, Abdul Shah, a Taliban commander, was convicted of mass murder and sentenced to 20 years in prison.

In addition, significant efforts were made to improve the situation for women. After the fall of the Taliban, some women, primarily in Kabul, were able to discard the burqa, a head-to-toe veil that the Taliban enforced rigidly. In December President Karzai decreed that women had the right to choose whether to wear the burqa. Female civil servants and teachers also were able to return to work. International organizations and non-governmental organizations (NGOs) were able to employ women. For example, on March 8, the country celebrated International Women's Day for the first time in many years. Hundreds of schools nationwide were opened or reopened for 3 million boys and girls beginning in March. In May a new primary school for 600 boys and 430 girls opened in the village of Nawabad. In Herat Province, nearly 100,000 girls enrolled in schools in grades 1–12 during the year. With the assistance of United Nations High Commissioner for Refugees (UNHCR) and the Ministry of Rural Reconstruction and Development, more than 2 million Afghan refugees returned to their home communities around the country.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The arrival of the OEF forces and the collapse of the Taliban in 2001 helped begin to bring an end to the decades-long pattern of serious human rights abuses, including extrajudicial killings. However, in the aftermath there continued to be reports of unlawful killings. In November police used excessive force and killed two persons to disperse demonstrations in Kabul when hundreds of students protested living conditions in dormitories (*see* Section 2.b.). The Government launched an investigation into the incident; however, no findings had been issued at year's end. According to Amnesty International (AI), there were reports of intimidation, attacks, and killings during the Loya Jirga process. One report stated that at least eight persons were killed during the delegate selection process, and in Herat, several candidates were arbitrarily detained, harassed, and threatened. At year's end, no investigation or arrests had been made in connection with the killings.

There were reports of deaths in custody. In November the U.N. reported that at least one potential witness to the events that surrounded the November 2001 transport of Taliban prisoners who died in September after being taken into custody by Jumbesh leader General Dostum's forces. Taliban fighters died in fighting, during the suppression of a riot and while in custody in Mazar-i Sharif (*see* Section 1.g.).

In 1998 the U.N. found several mass graves connected with the massacre of Taliban fighters near Mazar-i Sharif in 1997, which contained evidence consistent with mass executions. Independent investigations of these and other killings, including killings by the Taliban, were hindered by the continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question. At year's end, mass killings from 1997 and 1998 had not been fully investigated.

During the year, there were instances of government forces killing civilians during the fight against Taliban supporters. In August 70 persons reportedly were killed in fighting between ethnic Tajik forces and ethnic Pashtuns forces in Herat.

An estimated 400,000 Afghans have been killed or wounded by landmines. Casualties caused by landmines and unexploded ordnance were estimated at 10 to 12 per day (*see* Section 1.g.).

There were numerous bombings during the year. For example, on April 8, 4 persons were killed and 12 injured when a bomb exploded near a car carrying the Defense Minister Mohammed Fahim in Jalalabad. On June 19, unknown assailants launched a rocket near the U.S. Embassy. There were no injuries. On September 5, approximately 35 persons were killed by a car bomb in Kabul. No one claimed responsibility for any of these acts.

The lack of an effective police force, poor infrastructure and communications, instability, and insecurity made it difficult to investigate unlawful killings, bombings, or civilian deaths, and there were no reliable estimates of the numbers involved.

Unknown assailants attacked and killed several senior officials. For example, in February Civil Aviation Minister Abdul Rahman was killed at Kabul airport. No suspect had been arrested and by year's end, no prosecution had taken place. In July Vice President and Public Works Minister Haji Abdul Qadir was killed in an ambush while leaving his office. At year's end, there had been no claim of responsibility. President Karzai appointed a five-member team of officials to investigate the killing. By year's end the case still was under investigation. On September 5, a 19-year-old assailant killed one person in an attempt to assassinate President Karzai.

In November 2001, Taliban prisoners staged a revolt at Qala-i Jangi near Mazar-i Sharif. Approximately 120 prisoners died during the uprising. There were reports that Northern Alliance fighters killed some of the prisoners after the uprising had been brought under control. No action was taken against those reportedly responsible for post-battle executions of prisoners.

There were no developments in the 2001 mass killings by the Taliban of mainly Shi'a Hazaras in Yawkowlang.

b. Disappearance.—There were reports of politically motivated disappearances. In September the U.N. reported the disappearance of several potential witnesses to the deaths of Taliban prisoners transported to Shiberghan prison in November 2001. There were allegations that forces loyal to northern leader General Dostum were responsible for these disappearances.

There were credible allegations of Taliban responsibility for disappearances, abductions, kidnapings, and hostage-takings between 1998 and 2001. Taliban forces reportedly abducted women and girls from Taloqan, the Shomali plain, and Hazara neighborhoods in Mazar-i Sharif. A number of accounts indicated that the Taliban forced women and girls into marriages or trafficked them to Pakistan and the Arab

Gulf states. The whereabouts of most of these women and girls remained unknown. By year's end, the whereabouts of thousands of persons detained by the Taliban, including those detained after the capture of Mazar-i Sharif in 1998, fighting in Taloqan in 2000, and occupation of Yakawlang in 2001, remained unknown.

There were no developments in the disappearances of General Abdul Rahman, General Farooq, Moulvi Shabuddin, Waliullah Dagarwal, General Syed Agha Rayees, engineer Nabi Shah, and Wolaswal Ismail.

Groups in Russia listed nearly 300 Soviet soldiers formerly serving in Afghanistan as missing in action or prisoners of war (POWs) from the Soviet-Afghan war (1979–1989). Most were thought to be dead or to have assimilated voluntarily into Afghan society, although some allegedly were held against their will. A number of persons from the former Soviet Union, missing since the period of the Soviet occupation, were presumed dead.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1964 Constitution, in effect under the Bonn Agreement, prohibits such practices, and torture did not appear to be systematic throughout the country, but there were reports of abuses. Some provincial authorities were believed to have used torture against opponents and POWs, although specific information generally was lacking. Some prison officials reportedly beat prisoners in Kabul. In November Human Rights Watch (HRW) alleged that some police authorities in Herat routinely employed electric shock on detainees. HRW also reported that some Herat security officials beat prisoners who were hung upside down. In late May, Herat Governor Ismail Khan's security forces arrested Mohammad Rafiq Shahir, and police reportedly beat Shahir so severely that cuts and bruises were still visible during the Loya Jirga in mid-June (*see* Section 3). According to a 2001 report, prison authorities in Badakhshan Province routinely used rubber and plastic-bound cables in beatings.

Prison conditions remained poor. According to AI, prisoners lived in overcrowded, unsanitary conditions in collective cells and were not sheltered from severe winter conditions. In January the Physicians for Human Rights (PHR) reported on the "deplorable conditions" at Shiberghan Prison. The PHR found severe overcrowding, non existent sanitation, exposure to winter cold, inadequate food, and no medical supplies for the 3,500 prisoners. Dysentery, pneumonia, and yellow jaundice were epidemic. According to the PHR report, the cells in Shiberghan were constructed to house 10 to 15 prisoners, but they held 80 to 110 men during the year.

A number of regional leaders, particularly Ismail Khan in Herat and General Dostum in Shiberghan, maintained prisons that most likely held political detainees. Herat prison held 600 to 700 prisoners. Shiberghan prison held approximately 1,000 inmates, including Taliban fighters and a number of Pakistanis.

The International Committee of the Red Cross (ICRC) continued to visit detainees during the year; however, fighting and poor security for foreign personnel limited the ability of the ICRC to monitor prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—Legal and law enforcement institutions existed but operated unevenly throughout the country due to lack of personnel and training. During the year, justice was administered on an ad hoc basis according to a mixture of codified law from earlier periods, Shari'a law, and local custom. Persons were subject to arbitrary detention. There were credible reports that local police authorities extorted bribes from civilians in return for their release from prison or to avoid arrest. Judicial and police procedures varied from locality to locality. Procedures for taking persons into custody and bringing them to justice followed no established code. Practices varied depending on the area and local authorities. Some areas had a more formal judicial structure than others.

There were unconfirmed reports of private detention facilities around Kabul and in northern regions of the country.

In the months proceeding the Loya Jirga in June, Ismail Khan's officials reportedly arrested Loya Jirga candidates who were not his supporters.

In November 2001, supporters of former king Zahir Shah reportedly were arrested and severely beaten by Herat authorities. The arrests took place when the former king's supporters attempted to hold a political rally near Herat's main mosque.

A number of persons arrested by the Taliban for political reasons were believed still to be in detention until the fall of the Taliban late in 2001. The whereabouts of such detainees was uncertain at year's end.

There was no information available regarding forced exile.

e. Denial of Fair Public Trial.—With no functioning nationwide judicial system, many municipal and provincial authorities relied on some interpretation of Islamic law and traditional tribal codes of justice. The Bonn Agreement called for the establishment of a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law, and local legal

traditions. In November the Government inaugurated the Judicial Commission, and President Karzai appointed two women and various ethnic minorities to it. The judiciary operated with minimal training.

The administration and implementation of justice varied from area to area and depended on the inclinations of local authorities. In the cities, courts decided criminal and civil cases. There reportedly was a lower court and a higher court in every province. The Supreme Court was located in Kabul. In cases involving murder and rape, convicted prisoners generally were sentenced to execution, although relatives of the victim could instead choose to accept other restitution or could enforce the verdict themselves. Decisions of the courts reportedly were final. The courts reportedly heard cases in sessions that lasted only a few minutes. According to AI, some judges in these courts were untrained in law and at times based their judgments on a combination of their personal understanding of Islamic law and a tribal code of honor prevalent in Pashtun areas. In rural areas, local elders and shuras were the primary means of settling criminal matters and civil disputes.

In September a closed court convicted Abdullah Shah, a former commander, of mass murder, including the killing of 50 Hazaras during a bus hijacking. Before Shah's appeal was formally heard by the Supreme Court, Chief Justice Fazl Shinwari publicly stated that Shah should receive the death sentence. Shah subsequently received a death sentence at the conclusion of his appeal. Shah did not have legal representation during the appeal. In general defendants did not have the right to an attorney, although they were permitted attorneys in some instances.

Most provincial authorities likely held political prisoners, but there were no reliable estimates of the numbers involved.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The 1964 Constitution, in effect under the Bonn Agreement, states that, "No one, including the State can enter or search a residence without the permission of the resident or the orders of a competent court." However, armed groups forcibly invaded and looted the homes and businesses of civilians. These gunmen reportedly acted with impunity, due to the absence of a responsive police force or legal protection for victims. In addition, it was unclear what authority controlled the actions of the local commanders, who patrolled the streets of cities and towns outside of the areas controlled by the ISAF. In the north, local commanders, particularly Jumbesh commander Lal, targeted Pashtuns, abusing female members of families, confiscating property, and destroying homes.

In the southeastern town of Gardez, unknown extremists began an intimidation campaign, leaving leaflets warning video shop owners to stop selling cassettes. In September a bomb exploded, destroying four shops and damaging eight others. On April 27, shells and rockets exploded destroying shops and killing 18 persons.

Kabul police authorities placed women under detention in prison, at the request of family members, for defying the family's wishes on the choice of a spouse.

There were reports of forcible conscription in the north by forces loyal to Jumbesh leader General Dostum (*see* Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The international community worked closely during the year with local officials in the delivery of humanitarian assistance. The Taliban's rapid fall from power averted a much-feared large-scale humanitarian disaster. After the fall of the Taliban, looting by armed groups and individuals, general insecurity, and harsh weather conditions at times hampered humanitarian assistance efforts. Primary limitations for the delivery of assistance remained logistical and centered on the difficulties in moving relief goods overland to geographically remote areas. Continued lawlessness and sporadic fighting in northern areas also impeded assistance efforts. Instability in the southeast, where Taliban and al-Qa'ida remnants remained at large and where local warlord Pacha Khan Zadran openly attacked forces loyal to the central government, limited delivery of assistance to this sector. In November President Karzai fired approximately 20 senior and 80 minor officials for corruption and facilitating insecurity on the roads.

A U.N. report released in late June catalogued the intimidation and violence directed at NGO workers including threats, accusations, kidnapings, attacks, murder, rape of family members of local NGO staff, and armed robbery. Some provincial governors extorted a "tax" from local NGOs. NGOs sometimes were forced to pay twice if district leaders were from different provincial authorities. Despite issuing a number of resolutions agreeing to cooperate and improve security conditions, senior factional leadership managed to take action only in a minority of cases and often with little commitment.

For example, on June 8, armed men in Mazar-i Sharif raped an NGO humanitarian assistance worker and beat the local staff who was accompanying her. North-

ern authorities detained three men and at year's end, charges against them were still pending. In June armed men in Takhar Province fired upon the vehicle of an international NGO when the occupants refused to provide a ride to the group. In June near Mazar-i Sharif, armed men shot at a convoy of international NGO vehicles. On June 10, armed men broke into an international NGO's office in Mazar-i Sharif and assaulted the guards on staff. Fighting between commanders loyal to General Dostum's Jumbesh party and Jamiat-i Islami's Mohammad Atta in Balkh Province forced an international NGO to cease its operations in an area to which 3,000 internally displaced persons (IDP) families had returned. The NGO's departure closed the only local health clinic. In Samangan and Jowzjan Provinces, local NGOs reported constant threats and intimidation from local authorities. In Aybak district, commander Almas told NGO staff managing distribution of IDP return assistance cards that unless a substantial number of cards were given to his men, he would halt all IDP returns going through his area. In Kaldar district, 400 workers from an international NGO project were taken hostage as part of a forced recruitment drive conducted by a local commander.

In April armed men killed a senior professional staff member of the U.N. Food and Agricultural Organization (FAO) in his home. At year's end, the alleged killer remained at large. In May fighters affiliated with General Dostum's Jumbesh party attacked IDPs, including the rape of females at a camp in Balkh after young men in the IDP families resisted conscription (*see* Section 1.f.). Armed men in police uniforms in Mazar-i Sharif forced their way into the home of a senior U.N. national staff member and took $5,000, after claiming that they were searching for women in the house. Sporadic fighting and lawlessness remained a hindrance to assistance efforts in the north through the second half of the year.

During most of the year, continued internal conflict resulted in instances of the use of excessive force that caused the deaths of civilians, property damage, and the displacement of residents. For example, in November Ismail Khan reportedly ordered an attack on a village near Shindand that precipitated an exchange of rocket fire with rival Pashtun commander Amanullah Khan, killing at least seven persons including four children. During November and December, Ismail Khan and Amanullah Khan continued to fight, resulting in civilian casualties.

In general independent investigations of alleged killings were hindered by the unwillingness of local authorities to allow investigators to visit the areas in question. The Council of the North (General Dostum, Mohammad Atta, and Mohammad Saidi) issued a statement on August 28 denying the allegation and declaring that it was ready to cooperate with an investigation of the mass gravesite at Dasht-i Leili by professional and technical specialists drawn from the U.N. and coalition countries. However, local authorities suggested that there was no guarantee of security for investigators. By year's end, no investigation had taken place.

On November 25, Northern Alliance forces reportedly killed at least 120 prisoners at the Qala-i Jangi Fort, allegedly during the suppression of a riot. In November 2001, Northern Alliance forces reportedly killed 100 to 300 Taliban fighters in Mazar-i Sharif; there were conflicting reports as to whether some of the Taliban forces attempted to surrender before they were shelled.

In November 2001, following a prison revolt, different sources estimated that 200 to 1000 Taliban prisoners died while in the custody of General Abdul Rashid Dostum's forces while being transported in sealed containers from Mazar-i Sharif to Shiberghan prison. According to some accounts, Dostum's troops prevented drivers from making air holes in the containers or from offering water to the prisoners. In February and April, Physicians for Human Rights (PHR) and U.N. experts examined Dasht-i Leili, an area west of Shiberghan, allegedly containing the bodies of Taliban prisoners. U.N. experts found evidence of summary executions and death by suffocation.

The U.N. estimated that there were 5 to 7 million landmines and more than 750,000 pieces of unexploded ordnance throughout the country, planted mainly during the Soviet occupation. However, some NGOs estimated that there may be fewer than 1 million mines. There have been claims that 162 of 356 districts were mine-affected. The most heavily mined areas were the provinces bordering Iran and Pakistan. The landmines and unexploded ordnance caused deaths and injuries, restricted areas available for cultivation, and impeded the return of refugees to mine-affected regions. From 1995 to 1997, new mines were believed to have been laid over 90 square miles of land, reportedly mostly by the Northern Alliance in the western provinces of Badghis and Faryab. Additional newly-mined areas were reported but not confirmed in 2000 and, during the year in the conflict areas north of Kabul. The Northern Alliance reportedly laid these mines in response to the Taliban's summer 2000 offensive.

An estimated 400,000 persons have been killed or wounded by landmines. Casualties caused by landmines and unexploded ordnance were estimated at 10 to 12 per day. In some parts of the country, including in Herat and Kandahar, almost 90 percent of households were affected by the presence of landmines. An estimated 96 percent of civilian mine and unexploded ordnance casualties were male. Approximately 53 percent of mine and unexploded ordnance casualties occurred in the 18 to 40 age group, while 34 percent of the casualties involved children, according to the U.N. Mine Action Center. Landmines and unexploded ordnance resulted in death in approximately 30 percent of cases and in serious injuries and disability, including amputation and blindness, in approximately 20 percent of cases.

With funding from international donors, the U.N. organized and trained mine detection and clearance teams, which operated throughout the country. Nearly all areas that have been cleared were in productive use, and more than 1.5 million refugees and IDPs returned to areas cleared of mines and unexploded ordnance. Nonetheless, the mines and unexploded ordnance were expected to pose a threat for many years. Clearance rates and safety increased for clearance teams assisted by dogs. U.N. agencies and NGOs had instituted a number of educational programs and mine awareness campaigns for women and children in various parts of the country. Many were curtailed as a result of Taliban restrictions on women and girls but have been reinvigorated since the fall of the Taliban. Continued warfare, as well as prolonged and severe drought, also resulted in massive, forced displacement of civilians.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The 1964 Constitution somewhat provided for freedom of speech and of the press; however, some senior officials attempted to intimidate journalists and influence their reporting. The draft press law contained articles that curtail press freedom, specifically information that "offends Islam" or "weakens Afghanistan's army." All information must follow Shari'a law, and a publication could be suspended when the article on forbidden content was violated, although there were no reports of that during the year. There were approximately 150 regular publications. The State owned at least 35 of these publications and almost all of the electronic news media. All other newspapers were published only sporadically and for the most part were affiliated with different provincial authorities. Some government officials through political party ties maintained their own communications facilities. Kabul and other major provincial cities had limited television broadcasts.

During the year, the Government maintained departments that were pre-disposed to crack down on journalists. For example, the security service (Amniat-i Milli) did not disband a section that was tasked with surveillance of the news media.

Government and factional control of television, radio, and most publications throughout the country effectively limited freedom of the press. During the year, the central government maintained a predominant role in the news media, and criticism of the authorities was rare. While some independent journalists and writers published magazines and newsletters, according to Reporters Without Borders (RWB), circulation largely was confined to Kabul and many were self-censored. In practice many persons listened to the dozen international stations that broadcast in Dari or Pashto. The BBC, Voice of America, Radio Liberty, and Radio Free Afghanistan were available throughout the country. In the countryside, local radio and television stations were under the control of the local authorities.

Journalists were subjected to harassment, intimidation, and violence during the year. For example, HRW reported that security officials in Herat detained and mistreated a local journalist, Rafiq Shaheer, to prevent him from covering the local Loya Jirga selection process. Herat authorities, according to HRW, also pressured journalists to avoid filing stories critical of Ismail Khan and his government. In August Herat officials reportedly prevented journalists from covering Ismail Khan's military operations against Pashtun forces in the Ghorian and Shindand districts. However, at year's end, there were reports that outside newspapers, including the Kabul Weekly, "Ebtekar," and "Takhassos," were circulating with greater frequency and in greater quantities than in earlier times.

According to RWB, reporters were the target of threats and intimidation from militants during the year. For example, one of Radio Solh station's directors, Zakia Zaki, was threatened with death at the time of the station's installation in Jebel-i Sharat. In March unidentified assailants in Gardez injured Toronto Star reporter Kathleen Kenna when a bomb was thrown into her car. Also in March, anonymous leaflets were circulating in the eastern part of the country calling for the abduction of foreign reporters. In October unidentified persons kidnaped and beat a cameraman after he helped a British journalist make a documentary that reported the

death of thousands of Taliban fighters at the hands of General Dostom (*see* Section 4).

A number of journalists were killed during the intensified fighting late in 2001. In November 2001, in Nangarhar Province, armed men forced four journalists, Harry Burton, Maria Grazia Cutuli, Julio Fuentes, and Azizullah Haidari, out of their convoy of vehicles and executed them. On February 9, an Interior Ministry official announced the arrest of two suspects in the killing; however, by year's end, no confirmation of those arrests had taken place.

There were a few reports that government forces prohibited music, movies, and television on religious grounds. For example, in August the head of Kabul Radio and TV Engineer Eshaq, who was affiliated with Jamiat-i Islami, briefly banned the appearance of women singers on television (*see* Section 5). However, unlike in previous years, televisions, radios, and other electronic goods were sold freely, and music was played widely.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The 1964 Constitution states that citizens have the right to assemble without prior permission and to form political parties; however, tenuous security and likely opposition from local authorities seriously inhibited freedom of assembly and association outside of Kabul during most of the year. In Kabul a spectrum of organizations and political parties operated. Citizens staged two civil society forums in Kabul with the assistance of the NGO Swisspeace. Progressive political parties and movements were able to meet without interference in Kabul.

In September an International Conference on Media and Law took place in Kabul. Approximately 300 citizens attended along with a number of international observers. The conference included Afghan officials who made themselves available during panel discussions for a wide-ranging set of questions from the conference participants. In November a group of journalists in Balkh Province reportedly formed an "independent writer's club."

The Government used harassment and excessive force against demonstrators during the year. For example, in November, Interior Ministry forces fired on Kabul University students protesting poor living conditions at the school and killed two demonstrators.

The Government allows for freedom of association; however, there were reports of harassment by officials during the year. In Herat HRW reported that Ismail Khan's officials harassed and interfered with the Professionals' Shura, the Herat Literary Society, and the Women's Shura. In September forces loyal to Ismail Khan prevented the Professionals' Shura from holding a seminar on the new currency. Authorities pressured the literary society to avoid the subject of women's rights. Ismail Khan's handpicked leadership for the Women's Shura reportedly criticized Shura members who openly disagreed with Khan's views on women's rights.

At year's end, NGOs and international organizations continued to report that local commanders were charging them for the relief supplies they were bringing into the country (*see* Sections 1.g. and 4).

c. Freedom of Religion.—The 1964 Constitution, in effect under the Bonn Agreement, states that Islam is the "sacred religion of Afghanistan" and states that religious rites of the state shall be performed according to the Hanafi doctrine. The Constitution also states that "non-Muslim citizens shall be free to perform their rituals within the limits determined by laws for public decency and public peace." The central government began to pursue a policy of religious tolerance during the year; however, custom and law required affiliation with some religion, and atheism was considered apostasy and was punishable by death.

Reliable sources estimated that 85 percent of the population were Sunni Muslim, and most of the remaining 15 percent were Shi'a. Shi'a, including the predominately Shi'a Hazara ethnic group, were among the most economically disadvantaged persons in the country. Relations between the different branches of Islam in the country were difficult. Historically, the minority Shi'a faced discrimination from the majority Sunni population. The Shi'a minority advocated a national government that would give them equal rights as citizens. There also were small numbers of Ismailis living in the central and northern parts of the country. Ismailis were Shi'a but consider the Aga Khan their spiritual leader.

Licensing and registration of religious groups do not appear to be required by the authorities in any part of the country. The small number of non-Muslim residents remaining in the country may practice their faith but may not proselytize.

Following the Emergency Loya Jirga in June, Dr. Sima Samar, the former Minister for Women's Affairs was charged with blasphemy for allegedly insulting Islam (*see* Section 5).

The parts of the country's educational system that survived more than 20 years of war placed considerable emphasis on religion. However, since the fall of the Taliban, public school curriculums have included religious subjects, but detailed religious study was conducted under the guidance of religious leaders. There is no restriction on parental religious teaching.

Before the October 2001 collapse of the Taliban, repression by the Taliban of the Hazara ethnic group, which is predominantly Shi'a Muslim, was particularly severe. Although the conflict between the Hazaras and the Taliban was political and military as well as religious, and it was not possible to state with certainty that the Taliban engaged in its campaign against the Hazaras solely because of their religious beliefs, the religious affiliation of the Hazaras apparently was a significant factor leading to their repression.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights for men; however in practice their ability to travel within the country was hampered by sporadic fighting, brigandage, landmines, a road network in a state of disrepair, and limited domestic air service. Despite these obstacles, many men continued to travel relatively freely, with buses using routes in most parts of the country. The law also provides that women are required to obtain permission from a male family member before having an application for a passport processed (*see* Section. Women were forbidden to leave the home except in the company of a male relative. U.N. Security Council sanctions imposed because of the Taliban's links to international terrorism were lifted, and the Afghan airline Ariana's landing rights at non-foreign airports were reinstated. Ariana commenced international flights in September.

Commercial trade was impeded as local commanders and criminals continued to demand road tolls and at times close roads.

Afghan refugees returned home in record numbers during the year. Most of the 2 million returnees availed themselves of UNHCR's assistance, while a smaller number returned spontaneously. UNHCR estimates that more than 3 million Afghan refugees remained in Pakistan, Iran, and other neighboring countries at year's end. Iran and Pakistan forcibly repatriated approximately 38,500 refugees during the year. There were approximately 700,000 displaced persons. Women and children constituted 75 percent of the refugee population. The majority of refugee returnees have settled in urban areas, which placed additional strain on the cities' already overburdened infrastructures. There were further population movements from rural to urban areas due to drought, insecurity, and inadequate assistance in rural areas. Sporadic fighting and related security concerns, as well as the drought, discouraged some refugees from returning.

According to HRW, since the collapse of the Taliban regime in the northern part of the country, ethnic Pashtuns throughout the country have faced widespread abuses including killings, sexual violence, beatings, and extortion. Pashtuns reportedly were targeted because their ethnic group was closely associated with the Taliban regime. According to U.N. estimates, approximately 60,000 Pashtuns became displaced because of the violence. In late February, the UNHCR issued public reports that contained allegations by ethnic Pashtuns entering Pakistan that they were fleeing human rights abuses in the northern section of the country. The AIA's interlocutor on assistance issues established a commission to look into human rights problems faced by the Pashtuns in the north.

In October 2001, the Government of Iran set up two camps for Afghan IDPs who were attempting to flee to Iran from territory that was then controlled by the Taliban. The camps sheltered more than 10,000 refugees at year's end.

There was no available information on policies regarding refugees, asylum, provision of first asylum, or the forced return of refugees.

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

On December 5, 2001, a U.N.-sponsored Afghan peace conference in Bonn, Germany, approved a broad agreement for the establishment of transitional mechanisms, including a 6-month AIA to govern the country. There was a peaceful transfer of power from the AIA to the TISA during the June Emergency Loya Jirga. The Government allowed citizens the right to change their government through Loya Jirga elections that were deemed free and fair; however, there were some reports of intimidation and interference in the Loya Jirga process. President Karzai selected a cabinet of 5 vice presidents and 29 ministers. The Loya Jirga deferred a decision on the creation of a national legislature. Under the Bonn Agreement, elections will be held in June 2004.

Some violence marred the selection of Loya Jirga delegates in the provinces. In the Herat area, according to HRW, local authorities used arrests and violence to intimidate candidates in the Loya Jirga selection process who were not supporters of Ismail Khan, including Pashtuns, some women, and those associated with former king Zahir Shah. In late May, Ismail Khan's security forces arrested Mohammad Rafiq Shahir, head of Herat's Professionals' Shura, a civic group of intellectuals, lawyers, doctors, and teachers. Herat authorities reportedly warned Shahir not to participate in the Loya Jirga process.

There also were widespread reports of bribery throughout the country during the Loya Jirga selection process. A number of Loya Jirga delegates reported receiving threats after speaking out against the participation of warlords in the gathering. Other delegates, according to HRW, expressed alarm at the intrusive presence of agents from the Government's intelligence service.

Citizens had the opportunity to question senior leaders during the Loya Jirga. Inside and outside the Loya Jirga, political workers handed out posters and literature. Men and women were able to engage in discussions freely. U.N. observers estimated that 1,200 out of the 1,500 elected delegates turned out to witness the proceedings. Unlike in previous years, the Government encouraged the leaders of all ethnic minorities to engage in meaningful political dialog with opponents.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Some of these were based in neighboring countries, mostly Pakistan, with branches inside the country; others were based in the country. The focus of their activities was primarily humanitarian assistance, rehabilitation, health, education, and agriculture. However, the lack of security and instability in the north and southeast severely reduced NGO activities in these areas. During the year, there were continued attacks on aid groups, including the gang rape of an international staff member, the robberies of two NGO offices, and the firing on NGO vehicles (*see* Section 1.g.). For example, on March 1, the World Food Program reported that it had been forced to temporarily suspend its food distribution in the north after fighting between unnamed parties made the area too dangerous for operations to continue.

Several international NGOs, including the International Human Rights Law Group (IHRLG) and HRW, were run by local employees who monitored the situation inside the country. IHRLG ran a series of legal education seminars for local attorneys.

In August, as mandated by the Bonn Agreement, an independent Afghan Human Rights Commission was formed. During the year, the Commission showed signs of independence from government control. By year's end, the Commission collected over 500 complaints or requests for assistance on human rights abuses. However, lack of financial resources and personnel confined the Commission's activities largely to Kabul.

In October the U.N. Special Rapporteur for Extra-Judicial, Arbitrary, or Summary Executions and the U.N. Special Rapporteur for Human Rights visited cities throughout the country.

In January and February, PHR conducted a survey of possible mass gravesites in the north, including Dasht-i Leili, where Taliban fighters who died in the custody of General Dostum's Jumbesh forces were allegedly buried. In April a U.N. team conducted a follow up visit to the Dasht-i Leili site and exhumed approximately 15 bodies. While General Dostum and other northern leaders issued public statements offering to cooperate with an investigation, northern authorities also indicated in the late summer and early fall that they could not provide security to investigators (*see* Section 1.g.).

Security conditions and instability in the north and southeast impeded NGO assistance activities. During the year, there were reports that commanders in the north were "taxing" humanitarian assistance, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid (*see* Sections 1.g. and 2.b.).

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

The 1964 Constitution, in effect under the Bonn Agreement, states that "The people of Afghanistan, without any discrimination or preference, have equal rights and obligations under the law." However, statutory law has not been modified to be consistent with anti-discrimination principles. At year's end, local custom and practices generally prevailed in much of the country. Discrimination against women was

widespread. However, its severity, varied from area to area, depending on the local leadership's attitude toward education for girls and employment for women and on local attitudes. Historically the minority Shi'a faced discrimination from the majority Sunni population. There was greater acceptance of persons with disabilities as the number of persons maimed by landmines and warfare increased and as the presence of persons with disabilities became more widespread.

Women.—Following the Taliban's fall from power, the arrival of the AIA, and easing of restrictions on women, the international community noted some improvements in the status of women; however, serious problems remained. HRW reported that advances in women's and girls' rights were tempered by growing government repression of social and political life. In December President Karzai decreed that women have the right to choose whether to wear the burqa. The central government named several women to cabinet positions and other areas of responsibility. Women in a number of places regained some measure of access to public life, health care, and employment; however, lack of education and limited employment possibilities continued to impede the ability of many women to improve their situation.

As lawlessness and sporadic fighting continued in areas outside Kabul, violence against women persisted, including beatings, rapes, forced marriages, and kidnapings. Such incidents generally went unreported, and most information was anecdotal. It was difficult to document rapes, in particular, in view of the social stigma that surrounds rape. Information on domestic violence and marital rape was limited. In a climate of secrecy and impunity, it was likely that domestic violence against women remained a serious problem.

Women actively participated in the Loya Jirga (*see* Section 3). Women were able to question leaders openly and discussed inter-gender issues during the Loya Jirga. Dr. Masouda Jalal, a woman, stood as a candidate for the presidency. However, some security officials attempted to intimidate female participants. For example, Defense Minister Fahim directly ordered a security official to desist when one guard tried to silence a woman questioner. During the Loya Jirga, AIA Minister for Women's Affairs Sima Samar received death threats for allegedly insulting Islam. Samar charged that fundamentalists who objected to her outspoken manner trumped up the allegation. The controversy did not end publicly until Supreme Court Chief Justice Fazl Shinwari exonerated her of the charge (*see* Section 2.c.).

Throughout the country, approximately 100 women were held in detention facilities. Many were imprisoned at the request of a family member. Some of those incarcerated opposed the wishes of the family in the choice of a marriage partner. Others had committed adultery. Some faced bigamy charges from husbands who granted a divorce only to change their minds when the divorced wife remarried. Other women faced similar charges from husbands who had deserted them and reappeared after the wife had remarried. In early November, President Karzai released 20 women in Kabul in an amnesty associated with Ramadan. However, Kabul's Police Chief Basir Salangi stated that the police would continue to arrest women if their husband or family brought a complaint to the authorities.

The law also provides that women are required to obtain permission from a male family member before having an application for a passport processed.

Women in the north, particularly from Pashtun families, were the targets of sexual violence throughout the year. According to HRW, Uzbek, Tajik, and Hazara commanders perpetrated many of the attacks. Local commanders, particularly in the north, used rape as a tool of intimidation against the international and local NGO community (*see* Section 2.c.).

There also were reports that minority women sometimes were subjected to forced marriage, which sometimes resulted in self-immolations. Although statistics were not available, hospital doctors reported that these self-immolations were increasingly common among young women in the western part of the country. For example, a 14-year-old arrived at the hospital in Herat in critical condition with burns over most of her body. She had been given in marriage to a 60-year-old man with grown children.

Discrimination against women in some areas was particularly harsh. Some local authorities excluded women from all employment outside the home, apart from the traditional work of women in agriculture; women were forbidden to leave the home except in the company of a male relative (*see* Section 2.d.). In November the Government revived the activities of the Department of Vice and Virtue, particularly in Kabul and Herat. During the year, that department changed its name to the Department of Accountability and Religious Affairs and planned to advocate only that women wear a headscarf in public. However, in December HRW alleged that women who were caught talking with men on the streets of Herat risked being seized by special moral police, taken to a hospital, and forced to undergo an exam to deter-

mine if they had sex. By year's end, these allegations had not been further substantiated.

According to NGOs, in Herat, the authorities in the spring and summer called in female NGO workers to instruct them to dress and behave "properly." There were no further reports of such meetings during the year; however, local authorities reportedly continued to exert strong pressure on women to conduct and dress themselves in accordance with a conservative interpretation of Islam and local customs. In November Judge Marzeya Basil was reportedly dismissed from her position in Kabul after local television broadcast pictures of her shaking hands with male foreign heads of state and not wearing a headscarf. The local broadcast of the visit also generated complaints from the public about women in the group appearing without headscarves. Court authorities in Kabul claimed that Basil was dismissed because she had been absent for more than 20 days from her position without permission.

In previous years, Taliban actions significantly reduced women's access to health care by excluding women from treatment by male physicians in most hospitals. During the year, some women continued to be denied access to adequate medical facilities. According to Management Sciences for Health, nearly 40 percent of the 756 basic primary-health facilities had no female workers, a major deterrent for women because societal barriers discouraged them from seeking care from male heath workers. Life expectancy rates were estimated at 45 years for women and 46 years for men. Researchers found an average of 1,600 maternal deaths per 100,000 live births. In the same health survey, it was determined that only 10 percent of the country's hospitals had equipment to perform cesarean sections. In most regions, there was less than 1 physician per 10,000 persons. Health services reached only 29 percent of the population and only 17 percent of the rural population.

Since the fall of the Taliban, there were some improvements in the status of women, especially in the area of education. Unlike in previous years, girls were allowed to return to school and university; however, the lack of teachers, materials, and security concerns remained deterrents to girls' education. At year's end, education official in Herat Province reported that 97,906 girls enrolled in school during the year. According to the U.N., 500 of the 3,000 persons who took university entrance examinations were women.

Approximately 85 percent of women were illiterate and in rural areas, illiteracy rates among women often were nearly 100 percent.

Unlike in previous years, women in most areas were permitted to drive. In September an NGO that trains and counsels women in war-torn countries offered a driving school for women.

Children.—Local administrative bodies and international assistance organizations took action to ensure children's welfare to the extent possible; however, the situation of children was very poor. Approximately 45 percent of the population was made up of children age 14 or under. The infant mortality rate was 250 out of 1,000 births; Medecins Sans Frontieres reported in 2000 that 250,000 children per year die of malnutrition. One-quarter of children die before the age of 5. These figures most likely have increased due to another year of drought, intensified fighting, and massive displacement. A Management Sciences for Health study also found that only about one-fourth of all health facilities offer basic services for children, including immunization, antenatal care, postpartum care, and treatment of childhood diseases. An UNICEF study also reported that the majority of children were highly traumatized and expected to die before reaching adulthood. According to the study, some 90 percent have nightmares and suffer from acute anxiety, while 70 percent have seen acts of violence, including the killing of parents or relatives.

While girls throughout the country were able to attend school, the U.N. reported that in some areas a climate of insecurity persisted. In the spring, anonymous leaflets distributed at schools in the Kandahar area urged citizens not to cooperate with foreigners. On September 25, a girls' school near the northern town of Sar-i Pul was set on fire. In mid-September a small device reportedly detonated under a chair in a changing room in a coeducational primary school in Kandahar, causing minor injuries to a teacher. On October 25, in Wardak Province, unknown assailants fired rockets at the De Afghanan School. The school was badly damaged; however, no one was injured in the attack. A leaflet was left near the school denouncing the influence of foreigners on women and girls.

There were credible reports that both the Taliban and the Northern Alliance used child soldiers. Northern Alliance officials publicly stated that their soldiers must be at least 18 years of age, but press sources reported that preteen soldiers were used in Northern Alliance forces.

Persons with Disabilities.—The Government took no measures to protect the rights of persons with mental and physical disabilities or to mandate accessibility for them. In December hundreds of persons with disabilities protested against the State, claiming that the State was not doing enough to care for them. In addition, they demanded the resignation of the Minister of the Disabled, Abdullah Wardak, and accused him of not disbursing foreign aid meant for them. There reportedly has been increased public acceptance of persons with disabilities because of their increasing prevalence due to landmines or other war-related injuries. An estimated 800,000 persons suffered from disabilities requiring at least some form of assistance. Although community-based health and rehabilitation committees provided services to approximately 100,000 persons, their activities were restricted to 60 out of 330 districts, and they were able to assist only a small number of those in need.

Section 6. Worker Rights

a. The Right of Association.—The Bonn Agreement revived the 1964 Constitution's broad provisions for protection of workers and a mixture of labor laws from earlier periods; however, little is known about labor laws, their enforcement, or practices. Labor rights were not defined beyond the Ministry of Labor, and in the context of the breakdown of governmental authority there was no effective central authority to enforce them. The only large employers in Kabul were the Governmental structure of minimally functioning ministries and local and international NGOs.

b. The Right to Organize and Bargain Collectively.—Current law is not fully in compliance with internationally recognized workers rights to form free trade unions. The country lacks a tradition of genuine labor-management bargaining. There were no known labor courts or other mechanisms for resolving labor disputes. Wages were determined by market forces, or, in the case of government workers, dictated by the Government.

There were no reports of labor rallies or strikes.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The 1964 Constitution prohibits forced or bonded labor, including by children; however, little information was available regarding forced or compulsory labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—According to labor laws, children under the age of 15 were not allowed to work more than 30 hours per week. However, there was no evidence that authorities in any part of the country enforced labor laws relating to the employment of children. Children from the age of 6 often worked to help support their families by herding animals in rural areas and by collecting paper and firewood, shining shoes, begging, or collecting scrap metal among street debris in the cities. Some of these practices exposed children to the danger of landmines.

The Government was not a party to the ILO Convention 182 on Child Labor. However, according to the Ministry of Labor and Social Affairs, the country followed ILO standards regarding child labor.

e. Acceptable Conditions of Work.—According to labor laws, the average workweek for laborers was 40 hours. However, there was no available information regarding a statutory minimum wage or maximum workweek, or the enforcement of safe labor practices. Many workers apparently were allotted time off regularly for prayers and observance of religious holidays. Most persons worked in the informal sector.

f. Trafficking in Persons.—There was no legislation prohibiting trafficking in persons. A July U.N. report on Women and Human Rights reported increasing anecdotal evidence of trafficking in Afghan girls to Pakistan, Iran, and the Gulf States. Some girls reportedly were kept in brothels used by Afghans. The whereabouts of many of the girls, some as young as 10, reportedly kidnaped and trafficked by the Taliban remained unknown.

The U.N. July report also noted that many poor families were promising young girls in marriage to satisfy family debts.

There were a number of reports that children, particularly from the south and southeast, were trafficked to Pakistan to work in factories.

BANGLADESH

Bangladesh is a parliamentary democracy, with broad powers exercised by the Prime Minister (PM). PM Khaleda Zia, leader of the Bangladesh Nationalist Party (BNP), came to power in elections on October 1, 2001, deemed to be free and fair by international and domestic observers. The BNP formed a four-party alliance gov-

ernment with Jamaat-e-Islami, Bangladesh Jatiya Party (BJP), and Islami Oikko Jote (IOJ). Political competition is vigorous, and violence is a pervasive feature of politics, including political campaigns. The October 2001 elections, supervised by a non-party Caretaker government (CG), took place in a climate of sporadic violence and isolated irregularities. All of the major parties boycotted Parliament while in the opposition, claiming that they had little opportunity to engage in real debate on legislative and national issues. The higher levels of the judiciary displayed a significant degree of independence and often ruled against the Government; however, lower judicial officers were reluctant to challenge government decisions and suffered from corruption. The Official Secrets Act of 1923 can protect corrupt government officials from public scrutiny, hindering the transparency and accountability of the Government at all levels.

The Home Affairs Ministry controlled the police and paramilitary forces, which had primary responsibility for internal security. Police were often reluctant to pursue investigations against persons affiliated with the ruling party, and the Government frequently used the police for political purposes. There was widespread police corruption and lack of discipline. Security forces committed numerous serious human rights abuses and were rarely disciplined, even for the most egregious actions.

Annual per capita income among the population of approximately 131.2 million was approximately $375. The economy is market-based, but the Government owned most utilities, many transport companies, and large manufacturing and distribution firms. A small elite controlled much of the private economy, but there was an emerging middle class. Foreign investment was concentrated in the gas sector and in electrical power generation facilities. Earnings from exports fell by 8 percent, but remittances from workers overseas increased. Foreign aid remained an important source of national income. Efforts to improve governance through reform have been unsuccessful, often blocked by bureaucratic intransigence, vested economic interests, endemic corruption, and political polarization.

The Government's commitment to economic reform was piecemeal, although it has taken some difficult decisions, including closing money-losing state-owned enterprises.

The Government's human rights record remained poor and it continued to commit numerous serious human rights abuses. Security forces committed a number of extrajudicial killings, and deaths in custody more than doubled from 2001. Both major political parties often employed violence, causing deaths and numerous injuries. According to press reports, vigilante justice resulted in numerous killings. Police routinely used torture, beatings, and other forms of abuse while interrogating suspects and frequently beat demonstrators. The Government rarely punished persons responsible for torture or unlawful deaths. Prison conditions were extremely poor.

The Government continued to arrest and detain persons arbitrarily, and to use the Special Powers Act (SPA) and Section 54 of the Code of Criminal Procedure, which allowed for warrantless arrest and preventive detention. The Government replaced the Public Safety Act (PSA), which lacked bail provisions, with the Speedy Trial Act (STA), which provided for quicker disposal of cases and bail. The lower judiciary was subject to executive influence and suffered from corruption. A large judicial case backlog existed and lengthy pretrial detention was a problem. Police searched homes without warrants, and the Government forcibly relocated illegal squatter settlements. Virtually all journalists practiced some self-censorship. Attacks on journalists and efforts to intimidate them by government officials, political party activists, and others increased. The Government limited freedom of assembly, particularly for political opponents, and on occasion, limited freedom of movement. The Government generally permitted a wide variety of human rights groups to conduct their activities, but it brought a number of nongovernmental organizations (NGOs) under intense scrutiny. Violence and discrimination against women remained serious problems. Abuse of children and child prostitution were problems. Societal discrimination against persons with disabilities, indigenous people, and religious minorities was a problem. The Government limited worker rights, especially in the Export Processing Zones (EPZs), and was ineffective in enforcing those workers' rights in place. Some domestic servants, including many children, worked in conditions that resembled servitude and many suffered abuse. Child labor and abuse of child workers remained widespread and were serious problems. Trafficking in women and children for the purpose of prostitution and at times for forced labor remained serious problems. Bangladesh was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed a number of extrajudicial killings. The police; the paramilitary organization, Bangladesh Rifles (BDR); the auxiliary organization, Ansar; and the army used unwarranted lethal force.

According to one human rights organization, 83 persons died as a result of the use of lethal force by the police and other security forces during the year. Fifteen of those deaths occurred during the army-led anti-crime drive "Operation Clean Heart" that began on October 16. An additional 148 deaths occurred in custody, 31 of those following arrest and interrogation by the army during Operation Clean Heart. Government statements regarding these deaths at first asserted that the deceased had died of heart attacks or of drowning while trying to escape. However, on November 18 the Government's Principal Information Officer stated that there had been no deaths in army custody (as of that date the death toll was 36) and on November 24 he alleged that some newspaper reports on deaths related to Operation Clean Heart were baseless.

Jamaluddin Fakir, an Awami League (AL) student activist, died on April 19 as a result of police torture at the Kapsasia police station in the Gazipur district. Human rights organizations concluded that Fakir's death was a result of torture while in police custody. The Government suspended two police officers and investigated the incident. Fakir's mother filed murder charges with a local court after the police station refused to register the case.

On May 9, the Detective Branch (DB) police in Narayanganj arrested four persons, including Badal, suspected in a rape and murder incident. According to Badal's mother, police tortured her son. On May 17, Badal became critically ill and died. A fellow detainee reported that the police blindfolded detainees and tortured them. He said Badal faced the most severe torture, including possibly electric shocks. Police denied having tortured Badal. Badal's mother filed a murder case against the police but withdrew it under threats and pressure.

In early June, BDR personnel killed Mohammed Sohel during an anticrime drive in Dhaka. The BDR claimed that Sohel had died from falling off a roof; others disputed that claim. Human rights organizations asserted that Sohel died from torture.

On October 28, according to a newspaper report, army personnel assaulted Abul Hossain Litu at his poultry farm. According to Litu's wife, army personnel claimed that Litu was a member of the criminal group "Seven Star." When he did not produce firearms as they demanded, they tortured him until he died. After Litu's wife filed murder charges against Major Kabir and his troops, a lower court ordered the police to investigate the charges.

On November 8, army personnel arrested Abu Sufain, a BNP activist, during Operation Clean Heart. According to newspaper reports, Sufain became ill during interrogation on November 9 and died. An inquest report was prepared and an autopsy was performed. Newspapers reported that the inquest report made mention of signs of injury on Sufain's legs and hands. Investigation by a human rights NGO revealed that Abu Sufain died due to torture by army personnel.

In February 2001, after the High Court ruled that all "fatwas" (expert opinions on Islamic law) were illegal (*see* Section 2.c.), NGOs organized a rally in Dhaka to applaud the ruling. Some Islamic groups blocked roads into the city and tried to disrupt the rally. In the ensuing violence, a policeman was killed. Police arrested leaders of the IOJ a member of the four-party opposition alliance in connection with the killing. In Brahmanbaria some Muslim leaders called a "hartal" (general strikes which were often used by opposition parties and other groups) to demand the reversal of the High Court verdict and the release of the arrested IOJ leaders. Several thousand persons marched in a demonstration that became violent. When police and paramilitary forces opened fire, they killed 6 persons and injured 25 others. During the clash, 15 policemen were also injured. After a mob attacked the police station in retaliation, the police shot and killed three more persons.

According to one human rights organization, 117 persons died in prison and police custody during the year (*see* Section 1.c.). Moreover, an additional 31 deaths occurred after security forces detained suspects during the army-led anticrime drive "Operation Clean Heart." Most abuses go unpunished, and the resulting climate of impunity remained a serious obstacle to ending abuse and killings. However, in some instances where there was evidence of police culpability for killings, the authorities took action.

On March 14, a district and sessions court in Natore convicted a police subinspector and nine others for the 1994 killing of a youth in custody. The court sentenced the police officer to a 10-year prison term and the others to life in prison.

Violence, often resulting in deaths, was a pervasive element in the country's politics (*see* Sections 1.c. and 3). Supporters of different political parties, and often supporters of different factions within one party, frequently clashed with each other and with police during rallies and demonstrations. According to human rights organizations, more than 420 persons were killed and nearly 8,741 others were injured in politically motivated violence throughout the year. BNP supporters, often with the connivance and support of the police, violently disrupted opposition party rallies and demonstrations (*see* Sections 2.b. and 3). However, there were no reports of deaths from violence related to hartals.

On May 2, the police filed charges against Alhaj Maqbul Hossain, former AL M.P. for the Dhanmondi area of Dhaka, Mohammed Sadeq Khan, former Dhaka City Commission ward commissioner, and 11 others for the 1999 murder of Sajal Chowdhury, a BNP activist. On November 23, Khan was denied bail and sent to the Dhaka Central Jail. Hossain and another accused were out on bail. The remaining 10 accused were still at large at year's end.

Between May and October, four newly elected BNP-backed ward commissioners of Dhaka City Corporation were shot and killed by unknown assailants. On October 4, police arrested eight persons for their alleged involvement in the murders.

On June 9, Sadequnnahar Sony, a student of Bangladesh University of Engineering and Technology (BUET), was killed in the crossfire between two factions of the JCD. Sony's death sparked protests from students and teachers, ultimately leading to the closure of BUET and the banning of student politics on campus. After the university reopened in August, student groups protested the ban.

In June 2001, an explosion during a meeting at an AL office in Narayanganj killed 20 and injured over 100 persons. The AL government accused 27 persons from the BNP and the Freedom Parties in connection with the bombing. Six persons were arrested and subsequently released on bail. In May the son of a woman who was killed in the bombing filed charges against 58 leaders and activists of the AL and Jatiya Party. The accused included local AL leader Khokon Shaha and former AL M.P. Shamim Osman. Most of the others accused have secured bail from the High Court. The Criminal Investigation Department (CID) was investigating the case. In mid-September a commission investigating bombings that took place during the previous administration submitted its report to the Government. In its report, the commission blamed Sheikh Hasina and some of her AL party colleagues for six of the seven bomb attacks in the second half of the AL administration (*see* Section 2.c.).

The trial of the July 2000 killing of eight persons, including six members of the Bangladesh Chhatra League (BCL) was ongoing.

In April 2001, the High Court upheld the 1998 convictions of 12 of the 15 persons sentenced to death for the 1975 murder of then-President Sheikh Mujibur Rahman (father of AL President and former Prime Minister Sheikh Hasina) and 21 of his family members. Of the 12 persons convicted, 4 were in custody. The 11 others, living outside of the country, were convicted in absentia. The appeals process has been stalled because three of the seven-member appellate panel of the Supreme Court have refused to hear the case and two other judges have been recused due to their participation in the hearing at the High Court level. The case could progress if the Government would appoint an ad hoc judge to the appellate division for the purpose of completing this case; however, by the end of the year, this has not happened.

Four of the eight persons accused of perpetrating the November 1975 killings in jail of four senior AL leaders remained in prison. Their trial began in April 2001. Thirteen others living outside of the country were being tried in absentia (*see* Section 1.e.). Four of the eight persons originally imprisoned were released on bail in December 2001. The case was still being actively pursued through the courts.

Press reports of vigilante killings by mobs were common. Newspapers on numerous occasions reported that mobs had beaten alleged muggers, sometimes to death. Press editorials and commentaries commented that the increasing mob violence reflected a breakdown of law and order and a popular perception that the criminal justice system did not function.

Violence along the border with India remained a problem. According to press accounts and human rights groups, border violence has claimed several hundred citizen lives during the last 5 years. Domestic human rights NGOs reported that Indian border forces killed as many as 105 citizens during the year.

b. Disappearance.—On November 11, police and army personnel arrested Mintoo Ghosh and, according to his mother, took him to an unknown location. Ghosh's mother had not seen him since then. On November 17, she filed a case requesting the officer-in-charge of the Sutrapur police station inform her of Ghosh's whereabouts.

In August 2001, Abu Taher, General Secretary of the AL in Laxmipur, and one other suspect were jailed for the alleged abduction in September 2000 of Nurul

Islam, a BNP official. In August charges were filed against 31 persons including Taher, his wife, and two of his sons following the jail cell confession of one of the other suspects. The suspect who confessed said that he and the others accused disposed of Nurul Islam's body in the Meghna River. On October 23, the trial began. Taher's wife, her eldest son, and 17 others accused were still at large. On December 25, it was announced that the court proceedings were likely to be switched to the Divisional Special Trial Tribunal in Chittagong.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and cruel, inhuman, or degrading punishment; however, police routinely employed physical and psychological torture and other abuse during arrests and interrogations. Torture may consist of threats and beatings, and the use of electric shock. The Government rarely convicted or punished those responsible for torture, and a climate of impunity allowed such police abuses to continue.

On February 28, A.F.M. Bahauddin Nasim, aide to Sheikh Hasina, was arrested. Nasim's lawyers claimed Nasim suffered severe torture while in police and army custody, including having his hands and feet tied, his head covered, and being hung upside down and spun. The police also allegedly beat Nasim on various parts of his body with glass bottles filled with hot water and administered electric shocks. After meeting her husband in prison, Nasim's wife, Dr. Sultana Shamim Chowdhury, told reporters that she saw visible signs of torture on his body. Originally arrested under Section 54, the Government filed numerous charges against Nasim in an effort to keep him jailed as long as possible. On December 30, the High Court declared his detention illegal and ordered his release (*see* Section 1.d.).

On April 4, two policemen allegedly detained A.T. Shamsuzzaman, owner of a restaurant in the Mohakhali section of Dhaka and assaulted him for his failure to pay extortion. At the Gulshan police station, police kicked and beat him with a baton. Shamsuzzaman told human rights investigators that the policemen took money from him at his restaurant.

On July 24, male and female police officers entered a female student dormitory at Dhaka University (DU), dragged female students out of the dormitories, and beat them. Some of the victims alleged sexual harassment by male police officers. The police detained 18 students overnight. Thirty students were injured in the raid. A one-member judicial commission investigated the incident and found DU administrators and police officers responsible for the incident. The commission report recommended banning teacher participation in politics on campus. On October 13, the inquiry committee formed by DU authorities submitted its report October 13 to the university Vice Chancellor with nine recommendations, including transfer of all officers and employees of the hall and taking action against Zannatul Kanon, the individual who filed the charges, for filing cases against students. Police and BDR personnel conducted raids at DU dormitories several times throughout the year and recovered some weapons. They also arrested some students and outsiders on campus.

On August 21, BNP workers dragged AL leader Chhabi Rani Mondol into the BNP office at Rampal in Bagerhat. They beat her with hammers and clubs on the face, chest, and forehead. Her attackers allegedly took photographs of her nude before throwing her out onto the road. A local BNP chapter expelled four of the persons involved in the incident and dissolved the Rampal unit of the party. Officials were pursuing a case filed by Mondol against 15 persons in the incident. Police arrested 3 of the 15 accused. The Government suspended and then reassigned a police officer for negligence in the case.

During Operation Clean Heart in October, an individual was arrested by the police and taken into custody. Relatives and friends were not permitted to see him. While in custody he was blindfolded and taken to an unknown location. There he was hung upside down and beaten on his hips, buttocks and thighs for an extended amount of time. His interrogators accused him of being an agent of the Indian government and state enemy and instructed him to leave the country. Interrogators also ordered him to urinate into an electrified bucket. He remained confined in a very small cell for at least 2 more weeks.

Rape of female detainees in police or other official custody has been a problem in the past. While there were no reports of such rapes during the year, it was unclear whether the situation has improved or whether rapes continued and were not being reported.

Police have been known to rape women not in custody, as well. One human rights organization documented seven cases of rape and, during the first 6 months of the year, six cases of attempted rape by law enforcement officials against women not in custody.

In addition, after women reported that they were raped or involved in family disputes, they frequently were detained in "safe custody" (in reality, confined in jail

cells) where they endured poor conditions and were sometimes abused and raped (*see* Section 5). Although the law prohibits women in safe custody from being housed with criminals, in practice, no separate facilities existed. This year the Government began transferring women in safe custody to vagrant homes or NGO-run shelters, where available.

The police often employed excessive, sometimes lethal, force in dealing with opposition demonstrators (*see* Sections 1.a. and 2.b.).

Police corruption remained a problem, and there were credible reports that police facilitated or were involved in trafficking in women and children (*see* Section 6.f.). In July the Law Commission, an independent body, recommended amendments to Section 54 to curb police abuse. None of the recommendations had been adopted by the end of the year. Extortion from businesses and individuals by law enforcement personnel and persons with political backing was common, and businessmen on several occasions went on strikes to protest the extortion.

Human rights groups and press reports indicated that vigilantism against women for perceived moral transgressions occurred in rural areas, often under a fatwa (a proclamation from an Islamic leader) (*see* Section 2.c.), and included punishments such as whipping. One human rights organization recorded 32 such fatwa cases during the year. In these cases, 19 persons were lashed and others faced punishments ranging from physical assault to shunning of families by their communities.

Rejected suitors, angry husbands, or those seeking revenge sometimes threw acid on a woman's face (*see* Section 5).

Prison conditions were extremely poor and were a contributing factor in some custodial deaths. One human rights organization reported that 148 persons died in custody during the year (*see* Section 1.a.). Most prisons were overcrowded and lacked adequate facilities. Government figures indicated that the existing prison population of roughly 75,000 was 300 percent of the official prison capacity of approximately 25,000. Prison population figures included 2,000 women and approximately 1,200 children under the age of 16. Of the entire prison population, approximately 25 percent of those detained had been convicted and 71 percent were being tried or awaiting trial. In some cases, cells were so crowded that prisoners slept in shifts. At the end of the year the Dhaka Central Jail (DCJ) reportedly housed approximately 11,500 prisoners in a facility with a capacity of just over 2,600. A new prison facility in Kashimpur, north of Dhaka, opened in September 2001 although the first phase of construction for it had yet to be completed. Law Minister Moudud Ahmed told the official news agency that the first phase of the construction work for the Kashimpur jail would be completed soon, but did not provide a date for its completion.

There were reports of rampant corruption and irregularities in the prisons. In August the new Inspector General of Prisons found gross irregularities inside DCJ and transferred 17 officials from DCJ to other prisons. According to a newspaper report, a deputy inspector general (DIG) of prisons fled from Chittagong after receiving death threats because of his investigation of irregularities in the jail there. The DIG had confiscated two truckloads of unauthorized materials, including knives and liquor, intended for notorious criminals incarcerated there.

The treatment of prisoners in the jails was not equal. There were three classes of cells: A, B, and C. Common criminals and low-level political workers generally were held in C cells, which often have dirt floors, no furnishings, and poor quality food. The use of restraining devices on prisoners in these cells was common. Conditions in A and B cells were markedly better; A cells were reserved for prominent prisoners. B cells were considered 'second class' and were reserved for convicted individuals. Those confined to B cells received items like clothing that other detainees and prisoners being tried did not receive.

Juveniles were required by law to be detained separately from adults; however, due to a lack of facilities, in practice many were with adult prisoners.

In general the Government did not permit prison visits by independent human rights monitors, including the International Committee of the Red Cross (ICRC). Government-appointed committees of prominent private citizens in each prison locality monitored prisons monthly, but did not release their findings. District judges occasionally also visited prisons, but rarely disclosed their findings.

d. Arbitrary Arrest, Detention, or Exile.—The Government continued to arrest and to detain persons arbitrarily, as well as to use national security legislation such as the SPA of 1974 to detain citizens without formal charges or specific complaints being filed against them. The Constitution states that each person arrested shall be informed of the grounds for detention, provided access to a lawyer of his choice, brought before a magistrate within 24 hours, and freed unless the magistrate authorizes continued detention. However, the Constitution specifically allows preventive detention, with specified safeguards, outside these requirements. In practice au-

thorities frequently violated these constitutional provisions, even in nonpreventive detention cases. In an April 1999 ruling, a two-judge High Court panel criticized the police force for rampant abuse of detention laws and powers. There has been no change in police methods since that ruling.

Under Section 54 of the Code of Criminal Procedure, individuals may be detained for suspicion of criminal activity without an order from a magistrate or a warrant. Some persons initially detained under Section 54 subsequently were charged with a crime, while others were released without any charge. According to one human rights organization, a total of 755 persons were detained under the SPA during the first 6 months of 2001. Another human rights organization, quoting prison authorities, cited the number of SPA detainees at 655. No data is available for detentions this year; however, on December 23 two benches of the High Court Division of the Supreme Court declared 138 detentions illegal and ordered the release of the detainees. All the detained persons were arrested under Section 54 and were being held under the SPA. The Government frequently used Section 54 to harass and intimidate members of the political opposition and their families. Police sometimes detained opposition activists prior to and during demonstrations without citing any legal authority, holding them until the event was over. Newspapers reported instances of police detaining persons to extract money or for personal vengeance.

Under the SPA, the Government or a district magistrate may order a person detained for 30 days to prevent the commission of an act likely "to prejudice the security of the country." Other offenses subject to the SPA include smuggling, black market activity, or hoarding. The magistrate must inform the detainee of the grounds for detention within 15 days, and the Ministry of Home Affairs must agree with the grounds presented for detention within 30 days or release the detainee. The Government does not have to charge the detainee with a statutory crime. In practice detainees sometimes were held for longer periods. Detainees may appeal their detention, and the Government may grant early release.

An advisory board composed of two persons who have been, or are qualified to be, high court judges and one civil servant are supposed to examine the cases of SPA detainees after 4 months. On June 19, the High Court stated that the Government does not have any right to extend detention and, as such, SPA detainees must be released after 30 days unless the advisory board recommends an extension. The High Court judgment also made mandatory the requirement that authorities inform the court of the grounds for the detention order against the accused within 15 days and, if possible, earlier. On June 24, the Appellate Division of the Supreme Court concurred with the High Court judgment. If the Government adequately defends its detention order, the detainee remains imprisoned; if not, the detainee is released. If the defendant in an SPA case is able to present his case before the High Court in Dhaka, the High Court generally rules in favor of the defendant. However, many defendants either were too poor or, because of strict detention, were unable to obtain legal counsel and thereby moved the case beyond the magistrate level. Magistrates subject to the administrative controls of the Establishment Ministry were less likely to dismiss a case (*see* Section 1.e.). Detainees were allowed to consult with lawyers, although usually not until a charge was filed; however, they were not entitled to be represented by a lawyer before an advisory board. Detainees may receive visitors. The Government has held incommunicado prominent prisoners for extended amounts of time.

According to a September 2000 study by a parliamentary subcommittee, 98.8 percent of the 69,010 SPA detainees over a period of 26 years were released on orders from the High Court. The study asserted that SPA cases generally were so weak and vague that the court had no alternative but to grant bail. This situation continued at year's end.

On February 25, police arrested 10 leaders of BCL near the residence of the AL president without warrant or charges. The police filed a case against them under Section 54 and sought a 7-day custody period from the court. The magistrate rejected the custody request and granted bail. The individuals, however, could not be released because the police had requested their continued detention under the SPA. After successfully challenging the detention order, seven of these arrested were released from DCJ on March 27. The remaining were released later, but were rearrested several times.

On March 4, the AL presidium expressed concern over the whereabouts of A.F.M. Bahauddin Nasim, personal assistant to Sheikh Hasina. The presidium stated that Nasim was arrested and accused in a number of criminal cases, was kept incommunicado and was tortured. In an April 3 ruling, the High Court ordered the Government to disclose where and under what authority they were holding Nasim. The Appellate Division of the Supreme Court stayed the order. Nasim faced criminal charges, including sedition and remained in prison. Originally arrested under Sec-

tion 54, he was charged with smuggling foreign currency. On April 12, he was charged with taking part in the June 2001 armed attack of Khaleda Zia's motorcade. The hearing on the sedition charges began on October 16. On September 17, the High Court ruled against the Government regarding Nasim's petition to have he smuggling charges dismissed. In November the High Court granted him bail on all charges and on December 30 declared his detention illegal and ordered his release (*see* Section 2.d.).

On March 15, police arrested former State Minister Dr. Mohiuddin Khan Alamgir under Section 54 and later detained him under the SPA. Alamgir was charged in a total of eight cases as of the end of the year ranging from misappropriating grant funding, corruption, and to sedition. On August 3, the High Court declared the SPA detention of Alamgir illegal. In total he had been detained for six months. Alamgir was granted bail on all eight of the alleged offenses while he awaited trial (*see* Section 2.d.).

On October 20, the army, during Operation Clean Heart, arrested Saber Hossain Chowdhury, political secretary to Sheikh Hasina. He was given 2 days remand and charged under Section 54. On October 24, he was charged in two cases, one in connection with the attack on Khaldea Zia's motorcade in June 2001 and the other for attempted embezzlement. The High Court declared his detention illegal in November and ordered him released from prison. On December 14, the High Court again issued a ruling questioning the legality of Chowdhury's detention.

The Government used Section 54 and the SPA to arrest and detain many other opposition activists, including former M.P.s Haji Selim and Kamal Ahmed Mujumder, as well as AL leader and activist Sayeed Kokon, and former General Secretary of BCL, Ashim Kumar Ukil.

On April 2, Parliament scrapped the Public Safety Act enacted by the AL government in January 2000. The BNP alleged widespread AL government misuse of the PSA to harass and detain political opponents.

Like the SPA, the PSA allowed police to circumvent normal procedures, which led to arrests based on little or no concrete evidence. A week after the repeal of PSA, Parliament passed the Law and Order Disruption Crimes Speedy Trial Act (STA) to remain in force for 2 years if not extended. It contains a provision for the trial of those accused of certain crimes in special courts from 30 to 60 days after arrest. Unlike the PSA, the STA has a bail provision, but made it mandatory for the court to record the grounds for granting bail. As a safeguard against misuse of the law, it provided punishment for bringing false charges with jail terms from 2 to 5 years. On June 23, in response to a writ filed by Lalmonirhat Bar Association President Matiur Rahman, who was charged under the STA on June 13, the High Court requested the Government to explain why the STA should not be declared unconstitutional. In general there have not been allegations of widespread misuse of the STA.

In November 2001, the police Special Branch detained Shariar Kabir and held him for 2 days before charging him with carrying out seditious acts abroad. On January 20, Kabir was released on bail and a sedition case against him remained pending. On December 8, police arrested Kabir, along with several other AL leaders, under Section 54 following a series of deadly bomb explosions in Mymensingh cinema halls. He was charged with involvement in acts of sabotage and subversion. Kabir was given 30 days' detention on December 12 and charged with antistate activities in another case, involving two foreign journalists associated with British TV and their local facilitators. On December 15, a High Court ruling questioned the legality of Kabir's SPA detention and directed the Government to pay compensation to Kabir as well as provide him with medical care. Kabir was granted ad interim bail on December 18 in connection with the British TV case, however the Government failed to produce him as ordered by the court and he remained in jail at year's end.

There was a system of bail for criminal offenses that was employed for both violent and nonviolent crimes. However, some provisions of the law precluded the granting of bail. The Women and Children Repression Prevention Act provides special procedures for persons accused of violence against women and children. The law calls for harsher penalties, provides compensation to victims, and requires action against investigating officers for negligence or willful failure in duty.

Some human rights groups expressed concern that the non-bailable period of detention was an effective tool for exacting personal vengeance.

In February, the Government released one Indian and four Burmese nationals from DCJ following a January High Court order to end their illegal detention (*see* Section 2.d.). The Burmese nationals were arrested in September 1994 under the Foreigners Act for entering the country without valid travel documents and were given jail sentences of a maximum of 5 months. The Indian national arrested under the same law in 1999 was sentenced to a 16-month prison term. The High Court

ordered the Government to grant the five's request for political asylum or to transport them to a third country. In April officials of the Ministry of Foreign Affairs decided to repatriate 731 foreigners who had served their jail terms.

In July 2 months after his death, Falu Miah won a compensation suit for his unlawful detention of more than 21 years. Police arrested Falu Miah in connection with a robbery in August 1972. He was never brought before a court during his imprisonment and was not informed of the reason for his detention. The court acquitted him 10 days after his release on bail.

On August 28, Faruk Miah, a victim of mistaken identity, was released from prison in Kishoreganj after 30 months of imprisonment. The police had arrested him in February 2000 in connection with a case in which he was not involved.

In June police arrested an 11-year-old boy and sent him to prison after a detained smuggler named the boy and other members of the boy's family as accomplices. The local chapter of a human rights organization filed a petition with the court to secure the boy's release.

On July 21, a High Court bench issued a ruling against a police officer in Manikganj after newspapers reported that the officer had filed charges against an 18-month-old boy in a case for allegedly taking part in a clash. The High Court ordered the child's acquittal on the charges.

The Government sometimes used serial detentions to prevent the release of political activists.

On March 27, the High Court declared the February 25 SPA detention of three top leaders of Bangladesh Chhatra League-Liaqat Shikder, Nazrul Islam Babu and Rafiqul Islam Kotowal-illegal and ordered their release. They were rearrested at the entrance of the jail and accused in a previously filed murder case. On April 1, the metropolitan sessions judge granted them interim bail but two more cases were filed against them and the police again arrested them. On September 9, in a written statement made by Shikder's mother, she claimed Shikder had become seriously ill due to continuous torture. In September all three were released from jail.

In March 2001, JP Chairman Ershad was detained under the SPA after the court ordered his release upon payment of a fine in a corruption case. He faced numerous other charges at year's end.

On July 15, AL President Sheikh Hasina told reporters that 450,000 of her supporters were implicated in false cases throughout the country since the Government took office in October 2001. Law Minister Moudud Ahmed stated that the AL government had filed 17,000 political cases and harassed about 425,000 opposition activists during its rule between 1996 and 2001, giving as examples the 154 cases the AL government filed against M.P. Sadeq Hossain Khola and 114 cases filed against M.P. Amanullah Aman. On March 3, Home Minister Altaf Hossain Chowdhury said that since coming to power in October 2001, the Government had released 11,706 persons detained in 960 politically motivated cases filed under the previous government.

It is difficult to estimate the total number of detentions for political reasons. Many activists were charged for crimes, and many criminals claim to be political activists. Because of crowded court dockets and magistrates who were reluctant to challenge the Government, the judicial system did not deal effectively with criminal cases that may be political in origin. There was no independent body with the authority and ability to monitor detentions or to prevent, detect, or publicize cases of political harassment. Most such detentions appeared to last for several days or weeks. Defendants in most cases receive bail, but dismissal of wrongful charges or acquittal may take years.

The Constitution does not address exile, but does provide for the right of free movement within the country, foreign travel, emigration, and repatriation. The Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, under a longstanding "temporary" provision of the Constitution, the lower courts remained part of the executive and were subject to its influence. The higher levels of the judiciary displayed a significant degree of independence and often ruled against the Government in criminal, civil, and even politically controversial cases. However, there was corruption within the legal process, especially at lower levels. Corruption within the police force and lack of transparency of police investigations delayed or thwarted justice in many cases.

Victims of police abuse were generally reluctant to file cases against the police, as there was no independent body charged with investigation of criminal allegations against members of the police force. However, a December 2001 ruling of the High Court bench found that police presence during a judicial inquiry of alleged victims of police abuse was illegal.

The court system has two levels: the lower courts and the Supreme Court. Both hear civil and criminal cases. The lower courts consisted of magistrates, who were part of the executive branch of the Government, and session and district judges, who belonged to the judicial branch.

In June 2001, the Supreme Court reaffirmed a 1997 High Court order to separate the judiciary from the executive. The ruling declared which elements of the 1997 order could be implemented without constitutional amendment and ordered the Government to implement those elements within 8 weeks. The AL government did not implement the directive. In August 2001, Ishtiaq Ahmed, law advisor to the caretaker government, announced that the judiciary would be separated from the executive by promulgating an ordinance and left the job of implementing the ordinance to the next elected government. The newly elected government formed a cabinet committee to develop implementation plans. However, the committee has made slow progress, drawing criticism from the Appellate Division of the Supreme Court. The appellate panel has extended the period for implementation of its directives on several occasions at the request of the Government and the latest deadline for implementation is scheduled for January 26, 2003.

The Supreme Court is divided into two sections: the High Court and the Appellate Court. The High Court hears original cases and reviews cases from the lower courts. The Appellate Court has jurisdiction to hear appeals of judgments, decrees, orders, or sentences of the High Court. Rulings of the Appellate Court are binding on all other courts.

Due to the judicial system's million-case backlog, the Ministry of Law initiated a pilot program in the city of Comilla offering Alternative Dispute Resolution (ADR) in some civil cases. Citizens have the opportunity to have their cases mediated by persons with a background in law before filing their cases. According to government sources, the pilot program, initiated in family courts in 15 districts in 2001, was very successful and popular among citizens. According to the Law, Justice, and Parliamentary Affairs Minister Moudud Ahmed, the program was to be extended to all the remaining 49 district family courts by the end of the year.

Early in the year, the number of judges on the appellate panel of the Supreme Court was raised from five to seven so the appellate panel could split into two benches and more quickly dispose of cases. The Home Ministry formed a special committee to monitor progress of proceedings for more than 100 high-profile cases and provide directives to government agencies to speed up the trials. In one case, the Dhaka Metropolitan Sessions court completed a kidnaping/murder trial in 27 working days.

On October 24, President Iajuddin Ahmed signed an ordinance instituting a "Special Tribunal for Speedy Trial" system that would cover six major criminal offences. The new law deals with crimes including murder, rape, possession of illegal arms, narcotics and explosives, and hoarding. It was signed into law while Parliament was not in session, but was ratified in Parliament November 14 during an opposition walkout. Thirty cases were initially sent to the 'tribunals' for trial. The High Court issued a show cause notice concerning the constitutionality of the law on December 15.

Trials were public. The law provided the accused with the right to be represented by counsel, to review accusatory material, to call witnesses, and to appeal verdicts. State funded defense attorneys rarely were provided, and there were few legal aid programs to offer financial assistance. There is no mandated provision of counsel for accused indigents, but the Government does appoint lawyers to represent individuals tried in absentia. In rural areas, individuals often did not receive legal representation. In urban areas, legal counsel generally was available if individuals can afford the expense. However, sometimes detainees and suspects in police detention were denied access to legal counsel. Trials conducted under the SPA, the PSA, and the Women and Children Repression Prevention Act were similar to normal trials, but were tried without the lengthy adjournments typical in other cases. Under the provisions of the PSA, STA, and the Women and Children Repression Prevention Act, special tribunals heard cases and issued verdicts. Cases under these laws must be investigated and tried within specific time limits, although the law was unclear as to the disposition of the case if it is not finished before the time limit elapses (*see* Section 1.d.).

Persons may be tried in absentia, although this rarely occurred. Thirteen of the 21 persons accused in the 1975 "jail killing" case were being tried in absentia and eight of those convicted of killing Sheikh Mujibur Rahman and 21 members of his family were convicted in absentia in 1998 (*see* Section 1.a.). There is no automatic right to a retrial if a person convicted in absentia later returns. Absent defendants may be represented by state-appointed counsel but may not choose their own attorneys and, if convicted, may not file appeals until they return to the country.

A major problem of the court system was the overwhelming backlog of cases, and trials underway typically are marked by extended continuances while many accused persons remained in prison. These conditions, and the corruption encountered in the judicial process, effectively prevented many persons from obtaining a fair trial.

Transparency International estimated that more than 60 percent of the persons involved in court cases paid bribes to court officials.

In August 2001, Idris Ali was released after serving 5 years in prison in a case of mistaken identity. The High Court ordered his release on three separate occasions, but the orders did not reach the jail authorities. Idris's lawyer stated publicly that only bribery ensured proper processing of documents in court. Because of the difficulty in accessing the courts and because litigation is time consuming, alternative dispute resolution by traditional village leaders, which is regarded by some persons to be more transparent and swift, was popular in rural communities. However, these mechanisms were also subject to abuse.

The Government stated that it holds no political prisoners, but opposition parties and human rights monitors claimed that many opposition activists were arrested and convicted with criminal charges as a pretext for their political activities. Soon after assuming power in mid-July 2001, the CG formed a judicial commission to review cases of political prisoners and detentions under the SPA. The commission recommended that some cases be brought to trial and others dismissed. In December 2001, the new government formed its own judicial commission to look into political cases. On March 4, Home Minister Altaf Hossain Chowdhury said the Government had released 11,706 persons in politically motivated cases. In April the PSA Repeal Law became law and gave the Government authority to determine which cases filed under the SPA law would be withdrawn and which ones would be pursued (*see* Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires authorities to obtain a judicial warrant before entering a home; however, according to human rights monitors, police rarely obtained warrants, and officers violating the procedure were not punished. In addition, the SPA permits searches without a warrant.

Security forces raided the residence of a top AL leader, Amir Hossain Amu, three times between May and December. According to AL sources, security forces ransacked Amu's house and verbally abused his wife under the pretext of searching for illegal firearms.

On June 21, police in the Pakundia section of Kishoreganj district raided the home of an AL supporter, Abdul Malek, without warrant. The police harassed the occupants of the house, including Abdul Malek's wife, and reportedly tried to remove her clothes. The police allegedly told Malek's family that they would go if the family paid them money. A human rights organization reported that the authorities took no action against the police officers involved.

During the year, the police and the BDR conducted raids on the houses of political activists and alleged criminals without warrants during frequent anticrime drives. On May 29, BDR personnel broke into the house of a BNP leader and gas line contractor Nurul Haq and started beating him. Haq was rescued by the intervention of local police.

The Government periodically forcibly resettled persons. In March a High Court bench stayed, for 3 months, a Ministry of Housing and Public Works order to dismantle slums in the Amtali section of Dhaka and ordered the Government to explain why it should not be directed to resettle the slum residents.

In September 2001, 70 prostitutes tried to re-enter the vacant Tanbazar brothel and police resisted. Some women were injured, three of whom were hospitalized.

The Government sometimes punished family members for the alleged crimes of others. In May in Dhaka, having failed to arrest two alleged criminals, police arrested 12 of their relatives and detained them under the SPA, including the 60-year-old father and 53-year-old mother of one of the alleged criminals.

The police Special Branch, National Security Intelligence, and the Directorate General of Forces Intelligence (DGFI) employed informers to report on citizens perceived to be political opponents of the Government and to conduct surveillance of them. Political leaders, human rights activists, foreign NGOs, and journalists reported occasional harassment by these security organizations. In addition, foreign missionaries reported that internal security forces and others closely monitored their activities; however, no missionaries reported other harassment during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, expression, and the press, subject to "reasonable restrictions" in the interest of secu-

rity, friendly relations with foreign states, public order, decency and morality, or to prohibit defamation or incitement to an offense; however, there were numerous examples of the Government limiting these rights in practice. Some government leaders encouraged violence against journalists by ruling party members.

As in past years, journalists pressed for repeal of the Official Secrets Act of 1923. According to the act, a citizen must prove why he or she needs information before the Government will provide it. The act protected corrupt government officials from public scrutiny and hindered transparency and accountability of the Government at all levels.

The hundreds of daily and weekly publications provided a forum for a wide range of views. While some publications supported the overall policies of the Government, most newspapers reported critically on government policies and activities. In addition to an official government-owned wire service, there was one private wire service affiliated with overseas ownership.

Despite this proliferation of news articles, Reporters Without Borders (RSF), in their first publication of a worldwide index of countries according to their respect for press freedom, ranked the country 118 out of 139, stating that, "armed rebel movements, militias or political parties constantly endanger the lives of journalists. The state fails to do all it could to protect them and fight the immunity very often enjoyed by those responsible for such violence."

Newspaper ownership and content were not subject to direct government restriction. However, the Government influenced journalists through financial means such as government advertising and allocations of newsprint imported at favorable tariff rates. The Government stated that it considered circulation of the newspapers, compliance with wage board standards, objectivity in reporting, coverage of development activities, and "attitude towards the spirit of Bangladesh's War of Liberation" as factors in allocating advertising. In the past, commercial firms often were reluctant to advertise in newspapers critical of the Government; however, this appeared to no longer be the case.

The Government owned and controlled virtually all radio and television stations with the exception of a few privately owned cable stations, such as Ekushey Television (ETV), ATN Bangla, and private broadcaster Radio Metrowave.

On August 29, the Supreme Court, responding to a petition by two pro-BNP educators and a journalist, ordered ETV, the only full-fledged broadcast television station in the private sector, to be closed down. This was based on alleged irregularities in its license. No appeals are possible from this court. Petitions were filed, however, concerning the shutting down of ETV's transmission and seizure of its equipment. These petitions were rejected by the High Court on September 16.

The activities of the Prime Minister occupied the bulk of prime time news bulletins on both television and radio, followed by the activities of members of the Cabinet. Opposition party news received little coverage. As a condition of operation, both private stations were required to broadcast for free government news programs and national addresses by both the Prime Minister and the President. In July 2001, Parliament approved two bills granting autonomy to state-run Bangladesh Television (BTV) and Bangladesh Betar (Bangladesh Radio). Passage of these laws has not ensured real autonomy for them and the Government has not implemented the laws. Government intrusion into the selection of news remained a pervasive problem. Many journalists at private stations exercised self-censorship as well.

Journalists and others were subject to incarceration when private parties filed criminal libel proceedings against them. Ruling party M.P.s filed separate criminal libel suits against several newspapers after articles were published that the politicians viewed as false and defamatory. The journalists in all cases received anticipatory bail from the courts, and none of the cases moved to trial. Sedition charges remained pending, and those persons accused remained on bail.

While some journalists were critical, most practiced some degree of self-censorship. Many journalists cited fear of possible harassment, retaliation, or physical harm as a reason to avoid sensitive stories. Government leaders, political party activists, and others frequently launched violent attacks on journalists and newspapers, and violent physical attacks against journalists occurred during the year. Political parties and persons acting on their behalf conducted attacks both on media offices and on individual journalists targeted as a consequence of their news reporting. These crimes largely remained unsolved and the perpetrators, often identified by name or party affiliation in press reports, were not held accountable in many cases. Attacks by political activists on journalists also were common during times of political street violence, and some journalists were injured in police actions.

In March the management of the Government-run wire service Bangladesh Sangbad Sangstha (BSS) fired 20 journalists. Observers believe the journalists were fired because of their alleged allegiance to the AL. Colleagues of the journalists pro-

tested management's action and were in turn threatened with disciplinary action. BSS management hired 22 journalists who reportedly were sympathetic to the BNP.

On May 20, Matiur Rahman Chowdhury, editor of Manavzamin and stringer for the Voice of America (VOA) Bangla Service, was sentenced to 6 months in jail for publishing a recorded conversation between former president Hussain Muhammad Ershad and a judge of the High Court Division of the Supreme Court. Chowdhury appealed the verdict and the sentence has been stayed.

According to RSF during the year, 244 journalists faced repression, compared to 162 in 2001, and 126 in 2000. They also reported that during the year, 3 journalists were killed, 102 injured, 39 attacked, 30 arrested, and 147 threatened. On June 18, RSF stated that in the 8 months since the Government's assumption of power, "as many as 145 journalists were assaulted or threatened with death, 1 was murdered, 4 detained by the authorities, and 16 press clubs or newsrooms attacked." The figures reported by RSF were not independently verified and the Government protested the characterization portrayed in the statement.

On June 21, police and security personnel used sticks to assault journalists who converged at the residence of the President to gather news after President Professor A.Q.M. Badruddoza Chowdhury resigned. The officials dragged women journalists by their hair and kicked several photojournalists. They did not allow the journalists to speak with Chowdhury. When Chowdhury's son, a BNP M.P., told the police that his father would like to speak with the press, the security men declared that they had been instructed by higher authorities not to allow the journalists to speak with the outgoing President.

On July 2, armed BNP activists assaulted Monirul Haidar Iqbal, the Mongla correspondent of Dhaka's largest circulation Bangla- language daily, Jugantor. According to a complaint filed by Iqbal, the BNP activists assaulted him because of his stories on the illegal occupation of shrimp fields by supporters of the ruling coalition. Iqbal lodged a formal complaint with the police.

On July 5, members of a faction of the outlawed BCP allegedly kidnaped Shukur Ali, a reporter with Anirban, a Khulna daily newspaper. He remained missing and five BCP members have been charged in the case.

On July 5, the Government cancelled the publishing license of a Bangla language daily Dainik Uttarbanga Barta, published in Natore. The Government action followed the publication of a March 26 article that referred to the current Prime Minister Begum Khaleda Zia as leader of the opposition and to former Prime Minister Sheikh Hasina as the prime minister. The managing editor of the newspaper, who was also a local AL leader, apologized for what he claimed was an error due to incorrect data processing and a correction was published the following day. The newspaper management said that they would appeal against the Government's decision.

On July 13, a caller identifying himself as the son of Parliament's Chief Whip Khondokar Delwar Hossain made death threats against Arifu Rahman, a staff correspondent of Dhaka's Bangla-language daily Prothom Alo. Rahman lodged a formal complaint with the police.

On July 22, the Bangla-language daily Janakantha accused the Government of trying to suppress its reporting. The statement noted that soon after coming to office, the Government stopped placing advertisements in Janakantha. It then threatened to file a treason case against the daily for publishing a report about transfers in the police.

On September 7, JCD activists reportedly attacked a public pro-ETV meeting. The activists reportedly ransacked the podium and assaulted the organizers of the meeting. Ten persons were injured in the attack, two critically, including a correspondent of a Dhaka-based Bangla-language daily and a cultural activist belonging to the Sheikh Mujib Cultural Alliance. Seven pro-BNP student activists were suspended from the party for their role in the attack. Ten individuals accused of participating in the incident were granted anticipatory bail on September 11.

On November 25 police arrested two foreign journalists associated with British Television, Zeba Naz Malik and Leopold Bruno Sorentino, while crossing to India at the Benapole border. Two citizens, Moniza Pricila Raj and Meser Ali were taken into custody that same day in connection with the case. Ali was released after providing a witness statement in the Chief Metropolitan Magistrate's Court. Police confiscated videocassettes and U.S. currency from Raj when she was taken into custody. The three, plus Selim Samad, a freelance journalist, were charged with sedition and the three in custody were placed on 5-day remand on November 26. Sumi Khan, a journalist of the weekly Shaptahik 2000, was also arrested in Chittagong in connection with the incident. Khan was released on November 29 after 10 hours detention. In a press briefing on December 1, the Government's Principal Information Officer, Khondker Mairul Alam stated that the two foreigners were held as NGO activists for their suspected involvement in "subversive" and "anti-state acts."

The two foreign journalists were deported on December 11 after issuing statements expressing their regret for the incident.

Raj was granted ad interim bail on December 18, but remained in prison until December 22. Samad was granted bail on December 23 and the order sent via special messenger to ensure the delay in release that occurred with Raj was not repeated. Samad, however, was placed on 1-month detention under the SPA before the bail order was received at the jail. On December 31, the High Court issued a ruling questioning the legality of Samad's detention.

On December 7, Reuters released an article with a quote attributed to the Home Minister that stated the Mymensingh bombing attacks could be the work of Osama bin Laden's al-Qa'ida network and that he had ordered a national security alert. The Home Minister denied making the statement and Reuters retracted the story. On December 13, police arrested Enamul Haque Chowdhury, a stringer for Reuters, as the author of the article and searched the Reuters office in Dhaka. He remained in jail at year's end.

Political activists frequently attacked journalists. In January 2001, political activists, reportedly with the support and backing of AL M.P. Joynal Hazari, beat and stabbed the United News of Bangladesh's (UNB) correspondent in Feni, Tipu Sultan. Opponents of the AL blamed a pro-AL student front and AL activists for the attack. The AL government donated $2,000 (Taka 100,000) for the injured journalist's treatment. The journalist initiated legal proceedings without any result to date. The case was under reinvestigation. The Committee to Protect Journalists (CPJ) cited Sultan for his exposure of official corruption, which resulted in his being assaulted.

In November 2001, the Government stopped buying advertising space in the popular Bangla language daily Janakantha following reports by the newspaper of alleged atrocities committed against minority community and activists of the AL.

Feminist author Taslima Nasreen remained abroad after being freed on bond while criminal charges were still pending against her for insulting religious beliefs of the country's Muslims. On May 26, the Government banned her latest book, Utal Hawa (Wild Wind). Utal Hawa is a sequel to her earlier novel, Amar Meyebela (My Girlhood), published in 1999, which was also banned in the country for being anti-Islamic. On October 13 a court sentenced Nasreen, in absentia, to one year in jail for her "derogatory remarks about Islam" in a case filed by a local Jamaat-e-Islami leader November 1999.

A government Film Censor Board reviewed local and foreign films and may censor or ban them on the grounds of state security, law and order, religious sentiment, obscenity, foreign relations, defamation, or plagiarism. The Board did not ban any locally produced films during the year; however, in April the Film Censor Board obliged a filmmaker to modify a film's dialogue before issuing a certificate for public screening. On December 14, the High Court stayed the screening of the film "Hason Raja" (a mystic philosopher who composed hundreds of songs) in response to a petition filed by Sadia Chowdhury Porag, a descendent of Hason Raja. In her petition, Porag asserted that the film bears no relationship to the truth, distorting the image of and placing a stigma on the memory of Hason Raja. The court also issued a show cause notice to the Film Censor Board to provide reason why screening of the film should be allowed. The Board banned the screenings of several imported English-language movies for their pornographic content. Video rental libraries provided a wide variety of films to their borrowers, and government efforts to enforce censorship on these rental films were sporadic and ineffectual. The Government did not limit citizens' access to the Internet.

Foreign publications were subject to review and censorship. Censorship most often was used in cases of immodest or obscene photographs, perceived misrepresentation or defamation of Islam, and objectionable comments about national leaders.

The Government banned the April 4 issue of the Far Eastern Economic Review for an article it contained on the rise of pro-Islamic movements in the country. Security services were instructed to closely monitor foreign journalists entering the country on tourist visas.

The Government generally respected academic freedom. Although teachers and students at all levels largely were free to pursue academic assignments, research on extremely sensitive religious and political topics was forbidden.

The situation on public university campuses seriously inhibited the ability of students to receive a university education and of teachers to teach. Armed clashes between student groups of different parties or of different factions within a particular party resulted in prolonged closures of colleges and universities in Dhaka, Chittagong, Sylhet, and Noakhali.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, subject to restrictions in the interest of public order and public

health; however, the Government frequently limited this right. Section 144 of the Criminal Procedure Code (CrPC) allows the Government to ban assemblies of more than four persons. According to one human rights organization, the Government imposed 24 such bans during the first 6 months of the year. The Government sometimes used bans to prohibit rallies for security reasons, but many independent observers believed that such explanations usually were a pretext. Supporters of the ruling party frequently will schedule their own rallies at the same venue and time, thus providing the Government a basis for imposing a ban.

On January 9, armed police fired teargas to disperse a peaceful AL sit-in demonstration near the AL central office in Dhaka in protest of a rise in the price of petroleum. Police charged the demonstrators with batons. The AL opted to stage the sit-in after the police refused to allow them to conduct a procession. In the same afternoon, police took similar action to break up another AL rally at Muktangon and picked up 10 AL student activists. Questioned by AL leaders, police replied they were acting on instructions from higher authorities.

On March 25, the Dhaka Metropolitan Police imposed Section 144 at the Osmany Udyan area to foil an AL scheduled hunger strike. The hunger strike was held to protest the passage of a law aimed at removing the portrait of late president Sheikh Mujibur Rahman, revered by AL supporters as the Father of the Nation, from government offices. When leaders and supporters started to gather at Osmany Udyan, defying the ban, police charged with clubs and teargas, assaulting key leaders. They included former Agriculture Minister Motia Chowdhury, the AL President's political secretary Saber Hossain Chowdhury, and noted television actor and politician Asaduzzaman Noor These persons were detained for about 3 hours.

Violence also was endemic between the student political wings of the major national parties, and between rival factions within the parties.

On January 15, students of Bangladesh Agricultural University in Mymenshingh rioted in protest of a reported government intention to change the name of the university. Approximately 100 students, as well as several teachers, were injured in clashes with the police.

During an August 27 nationwide student strike called by the Progressive Students' Unity (PSU), 12 students were injured in police action on the BUET campus. Escalating demonstrations led to an indefinite closure of the university.

In late 2001, PM Zia, who had suspended the central committee of the BNP student wing, Jatiyabadi Chhatra Dal (JCD) appealed to other political parties to reach a consensus on banning student politics. The AL and some students and teachers opposed the move. On September 9, PM Zia lifted her suspension order on the JCD central committee and announced the formation of a new convening committee.

Various political parties called numerous hartals during the year. Party activists enforced these strikes through threatened or actual violence against strikebreakers. Those persons who did not join the strike were coerced into observing prohibitions against vehicular transport and normal operation of businesses. Party activists mounted processions during the hartals. Although surveys indicated a majority of citizens were opposed to the use of hartals as a political weapon, all of the major parties continue to use them. In August 2001, leaders of all parties agreed to refrain from calling for hartals, but the agreement did not last, and there was no attempt this year to refrain from hartals. Police rarely interfered with ruling party processions on such occasions and often worked in tandem with ruling party activists to disrupt and to discourage opposition processions.

The Constitution provides for the right of every citizen to form associations, subject to "reasonable restrictions" in the interest of morality or public order, and in general the Government respected this right. Individuals were free to join private groups.

c. Freedom of Religion.—The Constitution establishes Islam as the state religion and also stipulates the right—subject to law, public order, and morality—to practice the religion of one's choice; however, the Government generally respected this provision in practice. Although the Government is secular, religion exerts a powerful influence on politics. The Government is sensitive to the Muslim consciousness of the majority of its citizens. It can fail to protect minority groups, contributing to an atmosphere of impunity. Approximately 88 percent of the population is Muslim. Some members of the Hindu, Christian, and Buddhist minorities experienced discrimination by those who regard minorities in general as politically vulnerable.

Religious minorities were disadvantaged in practice in such areas as access to government jobs and political office. Selection boards in the Government services often lacked minority group representation.

Religious organizations were not required to register with the Government; however, all NGOs, including religious organizations, were required to register with the NGO Affairs Bureau if they received foreign money for social development projects.

The Government has the legal ability to cancel the registration of an NGO or to take other actions such as dissolve the executive committee of the NGO, freeze its bank accounts, or cancel projects. However, such powers rarely were used and did not affect NGOs with religious affiliations.

The Government allowed various religions to establish places of worship, to train clergy, to travel for religious purposes, and to maintain links with co-religionists abroad. The law permitted citizens to proselytize. However, strong social resistance to conversion from Islam means that most missionary efforts by Christian groups were aimed at serving communities that have been Christian for several generations or longer. Foreign missionaries were allowed to work in the country, but their right to proselytize is not protected by the Constitution. Some missionaries faced problems in obtaining visas or renewing visas, which must be renewed annually. Some foreign missionaries reported that internal security forces and others closely monitored their activities; however, no missionaries reported other harassment during the year.

In January 2001, the High Court ruled illegal all fatwas, or expert opinions on Islamic law. Only those Muftis (religious scholars) who have expertise in Islamic law are authorized to declare a fatwa; however, in practice village religious leaders sometimes made declarations on individual cases, calling the declaration a fatwa. Fatwas commonly deal with marriage and divorce, or mete out punishments for perceived moral transgressions. Victims were sometimes lashed or shunned by their communities (*see* Section 1.c.). While the Court's intention was to end the extrajudicial enforcement of penalties by religious leaders, the 2001 ruling, which generated violent protests, declared all fatwas illegal (*see* Section 1.a.). Several weeks later, the Appellate Court stayed the High Court's ruling. No date has been set for rehearing the issue.

Many Hindus have been unable to recover landholdings lost because of discrimination in the application of the law, especially the Vested Property Act. Property ownership, particularly among Hindus, has been a contentious issue since partition in 1947. In April 2001 Parliament passed the Vested Property Return Act. This law required the Government to return land that was seized under the now-defunct Vested Property Act; a law that allowed "enemy" (in practice Hindu) lands to be expropriated by the State. The Government was tasked to prepare a list of vested property holdings by October 2001, and claims were to have been filed within 90 days of the publication date. No further claims were to be accepted after that period expired. The Government has yet to publish the list of vested properties.

On November 26, the Parliament passed an amendment to the Vested Property Act allowing the Government unlimited time to return the vested properties. The properties were to remain under the control of Deputy Commissioners until a tribunal settles ownership. The amendment also gives the Deputy Commissioners the right to lease such properties until they are returned to their owners. The Government claimed that this provision would prevent the properties from being stolen.

Since the October 2001 elections, some newspapers and NGOs, the Bangladesh Hindu Buddhist Christian Unity Council, and the AL have alleged that religious minorities have been targeted for attacks. The Government sometimes has failed to criticize, investigate, and prosecute the perpetrators of attacks by local gang leaders. However, targeted attacks, motivated solely by religious differences, could not be independently verified.

Violence, including killings and injuries, occurred both before and after the October 2001 election. There were reports of harassment of Hindus, including killings, rape, looting, and torture, also was related to post-election violence.

In late November 2001, the High Court ordered the Government to look into and report on attacks on religious minorities, and to demonstrate that it is taking adequate steps to protect minorities. The Government submitted its report later in the year.

According to one human rights organization, during the transition of power from the CG to the newly elected government in October 2001, BNP supporters raped at least 10 Hindu women in the island district of Bhola and looted several Hindu houses. Incidents of rape and looting were also reported in the southwestern district of Bagerhat. The situation improved after the new government members visited the areas and deployed additional police to troubled locations. In February an AL-backed Crime Against Humanity convention alleged "systematic persecution" of religious minorities and called for the perpetrators of the persecutions to be brought to trial under local and international laws.

In some cases, field investigations by independent human rights organizations into incidents of alleged religious persecution of minority communities found that newspapers exaggerated the stories and inflated common criminal incidents into stories of religious persecution. A BNWLA investigation team found that the June 4

Janakantha report of Jamaat-e-Islami supporters stripping and taking a nude photograph of a 60-year-old Hindu woman could not be substantiated.

In the past, the Ahmadiyas, whom many mainstream Muslims consider heretical, were the target of attacks and harassment. An Ahmadiya mosque in Kushtia which mainstream Muslims captured in 1999 remained under police control for approximately 3 years, preventing Ahmadiyas from worshipping.

In August, the Ahmadiyas regained control and starting using the mosque for prayers.

On April 22, unidentified assailants killed Ganojyoti Mohasthobir, a monk at a Buddhist temple and orphanage at Rauzan in Chittagong District. Media reports suggested that the killing might have been related to a land dispute. Home Minister Altaf Hossain Chowdhury and Foreign Minister Morshed Khan visited the temple and assured the public that the incident would be properly investigated and those involved in the killing would be brought to trial. On December 22, police arrested Alich Mohammad alias Mahmud in connection with the case. The case remained under investigation at the end of the reporting period.

On April 28, a criminal gang at Radha Madam Asram in Khagrachhari killed Modon Gopal, a Hindu priest. The criminals also looted gold statues from the temple.

On May 12, 12 unidentified persons broke into Dabua Benubon Bhiar Buddhist Monastery at Beltoli before the monastery occupants and local residents chased them away. Ain-O-Shalish Kendra, a human rights NGO, filed a petition with the High Court asking that the Government be ordered to investigate the incidents and submit its findings to the court. The Government submitted its report to the court in August stating that it had taken action against perpetrators of violence against members of the minority communities wherever such incidents took place. The Government report said investigations revealed that many of the reports were false or exaggerated.

In June 2001, in Baniachar, Gopalganj district, a bomb exploded inside a Catholic church during Sunday mass, killing 10 persons and injuring 20. The army investigated and concluded that the bomb was produced outside of the country. Police detained various persons for questioning, but as of year's end; no progress had been made on the case. A judicial commission, formed by the Government in December 2001 to probe politically motivated bombing incidents during the AL government period, investigated the Baniarchar bombing incident. In mid-September the commission submitted its report to the Government. The commission blamed Sheikh Hasina and some of her AL party colleagues for six of the seven bomb attacks in the second half of the AL administration. Two of the three commission members stated they could not identify the culprit of the bombings investigated and dissented, saying that the head of the commission, Judge Abdul Bari Sarkar inserted his personal views in the final report.

In November 2001, unidentified assailants killed Principal Gopal Krishna Muhuri of Nazirhat College in Chittagong. Following the murder, Hindus staged a violent demonstration, protesting that Muhuri was killed because he was a Hindu. Muhuri's family stated that he was unpopular with the Jammat-I-Islami party, as he had refused it and other political parties access to the college's campus. It is unclear whether the murder was religiously motivated. Three teachers at the college were arrested in connection with the murder and have since been granted bail. In July the police also arrested three known criminals on suspicion of their involvement in the killings, all of whom were in jail. On November 14, police filed a case against 12 persons in connection with the killing, including the three teachers, the three persons currently in jail, and an accountant at the college where Muhuir was Principal.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution does not address exile, but does provide for the right of free movement within the country, foreign travel, emigration, and repatriation. In practice, citizens generally were able to move freely within the country and to travel abroad, to emigrate, and to repatriate. There were, however, instances in which the Government restricted these rights.

On December 2, the High Court ordered the return of former State Minister for Planning, Alamgir's passport to allow him to travel abroad for 3 months seeking medical treatment. His passport was confiscated at Zia International Airport as he was departing for Singapore (*see* Section 1.d.).

On occasion, the movement of major opposition political leaders was restricted, and the Government did little to assist them.

On August 30, BNP activists barricaded a road in southwestern Satkhira district to obstruct a motorcade of AL Leader Sheikh Hasina. BNP activists allegedly threw bricks at the vehicle. Hasina's bodyguards overpowered the demonstrators and her motorcade passed unharmed. AL leaders alleged police inaction during the melee and called a countrywide hartal on September 1 to protest the incident (*see* Section 1.d.).

The country's passports were invalid for travel to Israel.

Approximately 300,000 Bihari Muslims live in various camps throughout the country; they have been in the camps since 1971 awaiting settlement in Pakistan. Biharis are non-Bengali Muslims who emigrated to what formerly was East Pakistan during the 1947 partition of British India. Most supported Pakistan during the country's 1971 War of Independence. They later declined to accept citizenship and asked to be repatriated to Pakistan. The Government of Pakistan historically has been reluctant to accept the Biharis.

Since 1992 approximately 232,000 Rohingya (Muslims from the northern Burmese state of Arakan) have been repatriated voluntarily to Burma. An additional 22,700 have left the camps and are living among the local citizens. More than 20,800 refugees remained in two camps administered by the Government in cooperation with the U.N. High Commissioner for Refugees (UNHCR). In April 1999, the UNHCR urged the Government to allow any refugees who could not return to Burma to be allowed to work in the country, benefit from local medical programs, and send their children to local schools. The Government refused these requests, insisting that all Rohingya refugees must remain in the camps until their return to Burma. According to Human Rights Watch, there were reports of violence by refugee camp officials against Rohingya. There were also claims of discrimination from the local population towards the Rohingya.

On April 24, in a clash involving refugees, police, and student activists, about 70 persons including 10 Rohingya were injured when student activists of the BNP converged on Kutupalong refugee camp demanding fees from a contractor who was building new sheds.

Despite senior level discussions with the Burmese government, the two governments remained unable to accelerate the rate of repatriation.

According to the UNHCR, the Government, and human rights groups, more than 100,000 Rohingya who entered the country since 1991 live in precarious circumstances outside the camps with no formal documentation. The Government effectively denied asylum to the new arrivals by categorizing them as illegal economic migrants and turned back as many persons as possible at the border. According to UNHCR, which has interviewed some of these migrants, at least some of them were fleeing persecution and were entitled to refugee status. Visits to refugee camps by foreign diplomats revealed that some unregistered persons, many of them having returned illegally after their official repatriation to Burma, live in the camps and share food with relatives who receive rations based on the number of registered members of the camps. On a number of occasions, camp officials have handed some of the unregistered persons over to the police who sent them to prison under the Foreigners' Act.

The law does not include provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The law does not provide for first asylum or resettlement of asylum seekers. However, in practice the Government granted temporary asylum to individual asylum seekers whom the UNHCR interviewed and recognized as refugees on a case-by-case basis. At the request of UNHCR, the Government allowed approximately 125 refugees and asylum seekers, including non-Rohingya Burmese, Somalis, Iranians, and Sri Lankans, to remain in the country pending durable solutions such as voluntary repatriation or resettlement to other countries. The Government rejected asylum petitions from one Indian and four Burmese nationals who were released from prison in February (*see* Section 1.d.).

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

The country is a multiparty, parliamentary democracy in which elections by secret ballot are held on the basis of universal suffrage. M.P.s are elected at least every 5 years. The Parliament has 300 elected members. Party leaders appoint candidates for elections; many allege that some candidates effectively "purchase" nomination from party leaders with generous campaign contributions or personal "gifts."

Under a 1996 constitutional amendment, general parliamentary elections are presided over by a caretaker government, led by the most recently retired Chief Justice

of the Supreme Court. If he cannot or is unwilling, another senior retired justice or other neutral figure presides over the caretaker government. Sheikh Hasina, leader of the AL, was Prime Minister until Parliament's term of office expired in July 2001. At that time, in accordance with the Constitution, a CG was installed to oversee the holding of the elections and to manage the day-to-day operations of the Government until the next Prime Minister took office on October 10, 2001. Domestic and international observers deemed the eighth general election held on October 1, 2001 to be generally free and fair, in spite of sporadic violence and isolated irregularities. The AL president alleged "crude rigging" in the election. However, she eventually was sworn in as an M.P. and was subsequently elected the Leader of the Opposition in Parliament.

The AL, which has 58 members in the 300-seat parliament boycotted parliament from October 2001 until June 24, alleging harassment of party activists and attacks on minority community members by ruling party supporters in different areas of the country.

Violence, including killings and injuries, occurred both before and after the October 2001 election. In September an activist from the AL was killed as he was campaigning. Also in September, two bomb blasts killed at least 8 AL members and injured more than 100 others in the district of Bagerhat during an election rally. In response to the increased violence, the caretaker government deployed 50,000 troops. In the first 25 days of October, 266 murders and 213 rape cases related to post election violence were recorded around the country. Harassment of Hindus, including killings, rape, looting, and torture, also allegedly was related to post-election violence (*see* Sections 1.a. and 2.c.).

In July 2000, Parliament passed the "zilla" (district) council law, which provided for indirect election of the district council chairman by an electoral college of elected lower level representatives. The law empowered the Government to appoint these chairmen until the indirect elections can be held to date; the Government has not made such appointments.

In 1991 the Constitution was amended to change the country from a presidential system to a parliamentary system. The changes stipulated that an M.P. who resigned from his party or voted against it in Parliament automatically lost his seat. In practice this provision solidified the control of Parliament by the Government and the Prime Minister. The Prime Minister usually decides on major governmental policies, with little or no involvement by Parliament. Parliament's effectiveness as a deliberative body was undermined further by the country's relatively narrow partisan politics. Political activities were motivated by short-term benefits, often limited to the individual politician. All of the major parties have boycotted Parliament while in the opposition, claiming that they had little opportunity to engage in real debate on legislation and national issues. In August 2001, all of the major parties agreed that they would not boycott Parliament; however, the AL boycotted the first three sessions and part of the fourth session of the current Parliament.

M.P.s rather than the ministers concerned head parliamentary committees, which potentially allowed them to effectively oversee government work. However, most of the parliamentary committees, including standing committees for 37 ministries/divisions, were yet to be formed. The AL has demanded that the ruling party appoint opposition members as chairs of at least 10 of the 48 committees. Of the seventh Parliament's 46 committees, an opposition M.P. chaired only one.

On August 8, 2001 the CG passed the Representation of the People Amendment Ordinance that addressed much-needed election reform issues. The ordinance gave more independence to the Election Commission and law enforcement powers to specify military branches on election day. The Ordinance required political parties to maintain accounts and keep records of campaign contributions and expenses. It also codified rules for election observers, both international and domestic, in polling places. While a limited number of observers had been present in the polling booths during previous elections, there was no legal provision guaranteeing them access. Local NGOs and civil society organizations deployed a large number of observers for the October 2001 elections. The ordinance also contained a provision to expedite the process for adjudicating election fraud cases. At the time of the October 2001 elections, 21 of 22 election fraud cases from the 1996 elections were still pending. Under the new provisions, election fraud cases are tried in the High Court instead of a lower level court. The Election Commission was working on a draft to propose more reforms giving the Commission additional powers to ensure transparency of the election process, but has not made any notable progress.

Parliamentary by-elections in four constituencies were held in January, in a peaceful and generally orderly manner. Voter turnout was lower than normal. The AL also boycotted the April 25 elections to city offices in Dhaka, Khulna, and Rajshahi.

Until April 2001, when the constitutional provision that provided parliamentary participation for women expired, 30 legislative seats were reserved for women appointed by majority vote in Parliament; critics charged that these seats acted far less to empower women than to enhance the ruling party's majority. Women were free to contest any seat in Parliament, and in August 2001, the AL and the BNP agreed in principle to add at least 60 seats, exclusively for women M.P.s to the existing 300 in Parliament. However, neither the BNP nor the AL had taken any steps to introduce this election provision during the period covered by this report.

Seats were not specifically reserved for minority groups, such as tribal people. Members of minority groups held legislative seats. However, minorities were not represented proportionately. Minorities represented approximately 12 percent of the population and they held less than three percent of the Parliamentary seats.

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

The Government generally permitted human rights groups to conduct their activities. A wide variety of groups published reports, held press conferences, and issued appeals to the Government with regard to specific cases. While human rights groups were often sharply critical of the Government, they frequently practiced self-censorship, particularly on some politically sensitive cases and subjects. During the year, the Government requested that UNICEF finalize the Birth Registration Act in consultation with women and children's rights groups. In January 2000, Parliament passed the Women and Children Repression Prevention Act.

In June the Government granted registration to the Bangladesh Section of Amnesty International, under the Societies Registration Act. The application was originally filed in October 1990. Registration allows an NGO to receive funding from abroad.

The Government was defensive about international criticism regarding human rights problems. However, the Government was open to dialog with international organizations and foreign diplomatic missions regarding such issues. Despite their election pledge and repeated public announcements, the Government did not take action to enact legislation establishing an independent National Human Rights Commission. The previous government also failed to establish this commission despite repeated promises. The Government also has not taken any visible steps to make good its election pledge of forming an independent anticorruption commission.

The Government has not taken action on its promise to replace the Official Secrets Act with the Right to Information Act. In April, Law Minister Moudud Ahmed said that a Right to Information Bill would be brought to Parliament in 2 months, but no bill was introduced by years end. Early in the year, the Government took action to bring into effect the decades-old Ombudsman Law, and the Law Minister announced that an ombudsman would be appointed soon; however, by year's end this had not occurred.

The Government pressured some individual human rights advocates, including by filing false allegations against them or by delaying reentry visas for international human rights activists. Missionaries who advocated for human rights faced similar problems. A few human rights activists reported harassment by the intelligence agencies.

From September through the end of the year the Government drafted a policy report regarding NGO operations inside the country, primarily aimed at restricting political activities by NGOs. Despite several statements of its impending release, the draft policy report had not been completed by year-end.

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

The Constitution states "all citizens are equal before the law and are entitled to equal protection by the law"; however, in practice the Government did not strongly enforce laws aimed at eliminating discrimination. Women, children, minority groups, and persons with disabilities often confronted social and economic disadvantages.

Women.—Recent reports indicated that domestic violence was widespread. However, violence against women was difficult to quantify because of unreliable statistics. A report released by the U.N. Fund for Population Activities (UNFPA) in September 2000 asserted that 47 percent of adult women reported physical abuse by their male partner. The Government, the media, and women's rights organizations fostered a growing awareness of the problem of violence against women. Much of the violence against women was related to disputes over dowries. According to the report of a human rights group, there were 190 dowry-related killings during the year. In addition to the killings, 28 women committed suicide, 1 attempted suicide, 90 underwent physical torture, 14 others were victims of acid attacks, at least 1 was

divorced by her husband, and 2 were driven out of their husbands' houses following disputes over dowries during the same period.

On May 14, a special tribunal judge in Jessore sentenced a man to death for beating his wife, Kohinoor, to death in January 1997 over a dowry dispute.

On July 1, K.M. Rashid "Jewel" allegedly beat his wife Noorjahan Akhter Bakul following Bakul's family's failure to meet Jewel's demand for dowry. Seriously injured, Bakul was rushed to Dhaka Medical College Hospital where she died.

On July 2, a district court in Kishoreganj sentenced Motiur Rahman to death for beating his wife, Hasne Ara, to death in June 1994 for her family's failure to meet his dowry demand.

In May 2001, the High Court confirmed the death sentence of three policemen convicted of the 1995 rape and killing of a 14-year-old girl.

The law prohibits rape and physical spousal abuse, but it makes no specific provision for spousal rape as a crime. According to one human rights organization, 1,350 women and girls were raped during the year. Prosecution of rapists was uneven. While some rapists received sentences of "life imprisonment" (in practice generally 22 ½ years), other cases were settled by village arbitration councils, which did not have the authority to prosecute criminals and therefore only levied fines. Many rapes go unreported. In some cases, rape victims committed suicide to escape the psychological aftermath including social stigma. According to an NGO report, 15 rape victims committed suicide in the first 6 months of the year.

According to one women's rights organization, courts sentenced 18 rapists to death and 61 rapists to life terms in prison through mid-August.

In some cases, rural arbitrators punished the rape victim along with or instead of punishing the rapist. On February 26, a union council member raped an indigenous woman at Miahpara near Rajshahi. Village leaders later whipped the rape victim and forced her to pay a fine of approximately $25 (Taka 1,500).

The Government enacted laws specifically prohibiting certain forms of discrimination against women, including the Dowry Prohibition Act, the Cruelty to Women Law, and the Women and Children Repression Prevention Act (*see* Section 1.d.). However, enforcement of these laws was weak, especially in rural areas, and the Government seldom prosecuted those cases that were filed. According to government sources, the Social Welfare Department runs six vagrant homes and one training center for destitute persons, with a total capacity of 2,300. In July there were 1,986 persons, including 1,075 women, in those facilities. In addition, the Women Affairs Department runs six shelters, one each in the six divisional headquarters, for abused women and children.

On May 20, the Department opened a Safe Custody center in Dhaka. The Bangladesh National Women Lawyers' Association (BNWLA) also has two shelters in Dhaka, and a few other NGOs also run smaller facilities to provide shelter to destitute persons and distressed women and children. However, this was insufficient to meet victims' shelter needs; as a result, the Government often held women who filed rape complaints in "safe custody," usually in prison. Safe custody frequently resulted in further abuses against victims, discouraged the filing of complaints by other women, and often continued for extended periods during which women often were unable to gain release (*see* Section 1.c.).

Human rights groups and press reports indicated that incidents of vigilantism against women—sometimes led by religious leaders—at times occurred, particularly in rural areas. These included punishments such as the whipping of women accused of moral offenses (*see* Section 2.c.).

Acid attacks were a growing concern. Assailants throw acid in the faces of women and a growing number of men, leaving victims horribly disfigured and often blind. According to the Acid Survivors' Foundation, a local organization that offers assistance to acid attack victims, approximately 300 acid attacks occur each year. Over half of acid attack victims are female. The percentage of male acid attack victims has increased for the past three years.

Even after extensive treatment, victims remained severely scarred, making social reintegration very difficult. The most common motivation for acid throwing attacks against women was revenge by a rejected suitor; land disputes are another leading cause of the acid attacks. Few perpetrators of the acid attacks are prosecuted. Often the perpetrator flings the acid in through an open window during the night, making cases difficult to prove.

According to one human rights organization, 483 persons fell victim to acid attacks during the year, 247 women and 136 men. In the first eight months of the year the BNWLA pursued 26 cases involving acid crimes and three of them were resolved. In one case, the perpetrator was sentenced to death; three other perpetrators were sentenced to life in prison. Of approximately 750 reported assaults with acid between 1998 and 2001, 25 perpetrators were found guilty. Of the 25 guilty

verdicts, nine perpetrators were sentenced to death. Sentences are commensurate with the extent of the victim's burns.

In March the Government enacted two laws to control the availability of acid and address acid violence directed towards women. The acid crime control law has failed to have an impact primarily because of lack of awareness of the law among the public and law enforcement personnel and because of its poor application. In 2001 351 persons, mostly women, came under acid attacks and 153 cases were filed. However, the new acid crime control law provides for speedier prosecutions in special tribunals and generally does not allow bail for crimes charged under this law.

There was extensive trafficking in women for the purpose of prostitution within the country and to other countries in Asia, and there were credible reports that police facilitated or were involved in trafficking (*see* Section 6.f.).

For the most part, women remained in a subordinate position in society, and the Government had not acted effectively to protect their basic freedoms. Literacy rates were approximately 29 percent for women, compared with 52 percent for men. In recent years, female school enrollment had improved. Approximately 50 percent of primary and secondary school students were female. Women often were ignorant of their rights because of continued high illiteracy rates and unequal educational opportunities. Strong social stigmas and lack of means to obtain legal assistance frequently keep women from seeking redress in the courts. Many NGOs operated programs to raise women's awareness of their rights, and to encourage and assist them in exercising those rights. The Government also has expanded its program of incentives for female education by making education free for girls up to grade 12 (approximately age 18) using a stipend system from grades six to 12. By comparison, boys received free education up to grade five. Prime Minister Khaleda Zia inaugurated a stipend program for female students in grades 11 and 12 on August 1 and hinted that the program might be expanded up to a higher level.

Under the Muslim Family Ordinance, female heirs inherit less than male relatives do, and wives have fewer divorce rights than husbands. Men are permitted to have up to four wives, although this right was rarely exercised. Laws provide some protection for women against arbitrary divorce and the taking of additional wives by husbands without the first wife's consent, but the protections generally applied only to registered marriages. Marriages in rural areas sometimes are not registered because of ignorance of the law. Under the law, a Muslim husband is required to pay his ex-wife alimony for only 3 months, but this was not always paid for the required amount of time and not paid at all in some instances.

Employment opportunities have been greater for women than for men in the last decade, largely due to the growth of the export garment industry in Dhaka and Chittagong. Approximately 80 percent of the 1.4 million garment sector workers were women. Programs extending micro-credit to rural women also have contributed to greater economic power for them. However, women still filled only a small fraction of other wage-earning jobs. According to a Public Administration Reforms Commission report of October 2000, women held only 12 percent of government jobs, and only 2 percent of senior positions. The Government policy to include more women in government jobs has had only limited effect. In recent years, approximately 15 percent of all recruits into government service were women. According to a government survey released in May 2001, women made up only 2.1 percent of the workforce in the Home Ministry, which is responsible for police and internal security and 1.77 percent of the workforce in the Ministry of Local government and Rural Development.

The garment and shrimp processing industries employed the largest proportions of female laborers. Forty-three percent of women worked in the agriculture, fisheries, and livestock sectors, but 70 percent of them were unpaid family laborers. Many women work as manual laborers on construction projects as well; women constitute nearly 25 percent of all manufacturing workers. Women also were found in the electronics, food processing, beverage, and handicraft industries. Pay was generally comparable for men and women performing similar work.

Children.—The Government undertook programs in the areas of primary education, health, and nutrition. Many of these efforts were supplemented by local and foreign NGOs. These joint efforts have allowed the country to begin making significant progress in improving health, nutrition, and education; however, slightly more than half of all children were still chronically malnourished.

The Bangladesh Rural Advancement Committee (BRAC), the country's largest NGO, provided primary education to more than 1.2 million children. In cooperation with the Nonformal Education Directorate of the Government and some NGO partners, UNICEF implemented a program to provide education to 350,000 (primarily working) children in urban slum areas around the country.

In addition, the ILO has undertaken education and social welfare programs for more than 50,000 children. The Government made universal primary education between the ages of 6 and 10 years mandatory in 1991, but has not implemented the law fully.

According to Education Ministry statistics, more than 80 percent of children between the ages of 6 and 10 years were enrolled in school. Enrollment of boys and girls was roughly equal. Approximately 70 percent of all children completed grade five. Most schools have two shifts. Most children in grades one and two spend 2½ hours a day in school; children in grades three to five are in school for 4 hours. The Government provided incentives for rural female children between the ages of 12 and 16 years to remain in school. These incentives were effective in increasing the number of girls in school.

Because of widespread poverty, many children were compelled to work at a very young age. This frequently results in abuse of children, mainly through mistreatment by employers during domestic service and may include servitude and prostitution; this labor-related child abuse occurred commonly at all levels of society and throughout the country (*see* Sections 6.c. and 6.d.). Sometimes children were seriously injured or killed in workplaces (*see* Section 6.d.). Reports from human rights monitors indicate that child abandonment, kidnaping, and trafficking continued to be serious and widespread problems. There was extensive trafficking of children, primarily to India, Pakistan, and destinations within the country, largely for the purpose of prostitution and forced labor (*see* Section 6.f.).

According to a report published by the Government news agency BSS on September 5 there were about 400,000 homeless children in the country; as many as 150,000 of whom have no knowledge of their parents.

UNICEF estimated that there are approximately 10,000 child prostitutes in the country; other estimates have been as high as 29,000. Prostitution is legal, but only for those over 18 years of age and with government certification. However, this minimum age requirement commonly is ignored by authorities, and is circumvented easily by false statements of age. Procurers of minors rarely were prosecuted, and large numbers of child prostitutes worked in brothels.

Few facilities existed for children whose parents are incarcerated. According to one NGO, about 1,200 children under 16 years of age were in prisons throughout the country as of September.

According to a children's rights organization, 538 children were abducted during the year. Abductors killed at least two of the children when their guardians' failed to meet demands for ransom. In one case, a district court in Dhaka sentenced an abductor to death. According to this organization, nearly 1,500 children suffered unnatural deaths during the year.

Persons with Disabilities.—The law provides for equal treatment and freedom from discrimination for persons with disabilities; however, in practice, persons with disabilities faced social and economic discrimination. The Bangladesh Persons with Disability Welfare Act of 2001 provides for equal rights for disabled persons. The act focuses on prevention of disability, treatment, education, rehabilitation and employment, transport accessibility and advocacy. Government facilities for treating persons with mental handicaps were inadequate.

According to the National Forum of Organizations Working With the Disabled, an umbrella organization consisting of more than 80 NGOs working in various fields of disability, approximately 14 percent of the country's population had some form of disability. The economic condition of most families limited their ability to assist with the special needs of a person with disabilities, and superstition and fear of persons with disabilities in society sometimes resulted in their isolation.

However, there have been a number of private initiatives in the areas of medical and vocational rehabilitation, as well as employment of persons with disabilities. The Center for Rehabilitation of the Paralyzed, a privately-funded facility, provided both in-patient and out-patient medical services for both children and adults with various physical disabilities, and an educational facility for training professionals specializing in treating persons with disabilities. It ran a model village to enable the disabled to adjust to village life before reintegration, helped to integrate residents back into society and provided vocational training, micro-credits, and employment generation opportunities. The Center also offered advocacy, networking, and accident prevention programs. In addition, The Center was also involved with a 3-year research project to develop policies to ensure a safe and healthy workplace environment in the country. It focused on identification of high-risk work sites, developing a database for work-related injuries, and developing a network of spinal cord lesion management service providers. Some employers, both in the private for-profit and nonprofit sectors, have hired individuals with hearing impairments and phys-

ical disabilities for professional and nonprofessional positions, including as clerical workers, therapists, trainers, and computer-aided design operators.

Indigenous Persons.—Tribal people have had a marginal ability to influence decisions concerning the use of their lands. The 1997 Chittagong Hill Tracts (CHT) Peace Accord ended 25 years of insurgency in the CHT, although law and order problems continued. The Land Commission that is to deal with land disputes between tribal individuals and Bengali settlers did not function effectively in addressing critical land disputes. Tribal leaders also expressed disappointment at the lack of progress in providing assistance to tribals who left the area during the insurgency.

Until 1985 the Government regularly allotted land in the CHT to non-tribal Bangladeshi settlers, including land that was claimed by indigenous people under traditional concepts of land ownership. This led to the displacement of many tribal groups, such as the Chakmas and Marmas. Bangladeshi inhabitants in the CHT increased from 3 percent of the region's population in 1947 to approximately 50 percent of the area's 1 million persons in 1997. The Shanti-Bahini, a tribal group, waged a low-level conflict in the CHT from the early 1970s until the signing of the CHT Peace Accord with the Government in December 1997. During the periods of violence, all of those involved, including indigenous tribes, settlers, and security forces, accused each other of human rights violations. Such accusations continue to this day.

The terms of the 1997 pact provided for a strong local government, consisting of mostly tribal representatives; reduction of the military presence in the CHT region; and a substantial compensation package for displaced tribal families. Under the pact, the Government established a Land Commission to deal with land disputes between Bangladeshis and tribals. According to the Peace Accord, the Commission's verdict was to be final and appeal would not be possible; however, until July 2001 there was no legal basis for the Commission. Moreover, tribal leaders continued to express disappointment in the lack of progress in providing assistance to tribals who left the area during the insurgency. Shantu Larma, the former insurgent leader, held talks with the Prime Minister in April and with the Law Minister in July to discuss implementation of the Peace Accord, setting up of district courts in the three hill districts, and ways to improve law and order.

Extortion and kidnaping for ransom were rampant in the CHT. On January 19, alleged members of United People's Democratic Front (UPDF) abducted three persons in Matiranga in the sub-district of Khagrachhari. On February 13 armed youths kidnaped 10 businessmen. A committee formed by the local administration negotiated the release of eight victims on February 21. On February 13, the kidnapers of two businessmen who were abducted from Naniarchar received a ransom payment and released their victims. On July 19, alleged UPDF members kidnaped two jeep drivers from near Tarabunia Bridge in Rangamati and demanded ransom. On August 3, masked men said to be from a rival tribal group kidnaped six tribal persons, shooting and killing them on the bank of the Shongu River in Bandarban district.

In February 2001, three foreign engineers were abducted at gunpoint from a road in Rangamati District in the CHT. After their release in March of 2001 one of the hostages told a newspaper reporter that one of his abductors had confided that the motive was not political but rather, they wanted money for the benefit of Chakma people. Donor-assisted development activities in the CHT came to a halt following this incident.

Beginning June 1, a mission comprising government representatives and donor agencies under the coordination of the United National Development Program (UNDP) carried out an 11-day assessment of the CHT security situation and the possibility of renewed development assistance. In its report, the mission said kidnapings and extortion of development workers had continued, mostly due to regional party conflicts and extortion rackets. The mission report further stated that the security situation throughout most of the region was good enough to resume development assistance. However, tribal and non-tribal differences, unresolved issues relating to land, elections, and the law and order situation all continued to create tension and the potential for conflicts.

In June 2001, an alleged tribal member killed a Bangladeshi truck driver in Khagrachhari District in the CHT. Bangladeshis formed a procession to protest the killing and to demand action against those responsible. A bomb exploded during the procession. Clashes between Bangladeshis and tribals ensued, injuring 18 persons, including 1 policeman. Bangladeshis later set fire to more than 100 houses belonging to tribals. The Government imposed provisions of Section 144 of the Penal Code, which permitted arrest for unlawful assemblies that threatened public safety. Police

arrested 6 tribals in connection with the murder of the truck driver, and 15 others for arson.

According to one human rights organization, in August 2000, some Bangladeshis allegedly killed Alfred Soren, a leader of the Santal tribe over a land dispute. Although ninety-one persons were accused of involvement in the attack, four were arrested. In February 2001, the Government paid approximately $926 (Taka 50,000) in compensation to Soren's family and approximately $185 (Taka 10,000) to each of the families of nine injured persons.

Tribal people in other areas have also reported problems of loss of land to Bengali Muslims. The Garos of the Modhupur forest region continued to face problems in maintaining their cultural traditions and livelihoods in the face of deforestation and encroachment. The pressure on the Garo community had resulted in greater migration to urban areas and to the Indian state of Meghalaya, threatening the existence of 16,000 persons.

On Easter Sunday 2001, the Forestry Department inaugurated an eco-park on the lands inhabited by the predominantly Christian Khasi tribals in Mouluvibazar. Although indigenous Khasis had lived on these lands for generations, the Government did not recognize their ownership. The Government claimed ownership and stated that the Khasis were occupying the land illegally. The Government did not undertake any activities to implement the eco-park project this year, but the project has not been officially cancelled.

On July 21, Forest Department officials evicted the Khasi members living in a village in Moulvibazar. On July 26, Forest Department guards shot and killed a Khasi member, Abinash, and injured 10 others in an attempt to evict the Khasis after they had returned to the village. Two Forest Department guards sustained arrow wounds. At year's end, police did not arrest anyone in connection with the killing.

In April 2001, in a clash over land between Khasi and Bengalis in Moulavibazar, 1 person died and 10 were injured. Later in 2001 a group of 50 to 60 Bengalis led by a former union council member attacked a Khasi village. Fifty persons, mostly Khasi, were injured in the attack.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to join unions and—with government approval—the right to form a union; however the Government did not always respect this right in practice. The total work force was approximately 58 million persons, of whom 1.8 million belonged to unions, most of which were affiliated with political parties. There were no reliable labor statistics for the large informal sector, in which the vast majority (75 to 80 percent) of citizens worked.

A workplace requires 30 percent union participation for union registration. Moreover, would-be unionists technically were forbidden to engage in many activities prior to registration, and legally are not protected from employer retaliation during this period. Labor activists have protested that this requirement severely restricted workers' freedom to organize, particularly in small enterprises and the private sector, and the International Labor Organization (ILO) has requested the Government to amend the 30 percent provision. The ILO also had requested that the Government amend provisions that bar registration of a union composed of workers from different workplaces owned by different employers. An estimated 15 percent of the approximately 5,450 labor unions were affiliated with 25 officially registered National Trade Union (NTU) centers. There were also several unregistered NTUs.

Railway, postal, telegraph, and telephone department workers may join unions; other civil servants, police, and military personnel were forbidden to join unions in large part because of the highly political nature of those unions. Many civil servants who were forbidden to join unions, such as teachers and nurses, formed associations that performed functions similar to labor unions, such as providing for members' welfare, offering legal services, and airing grievances. Some workers formed unregistered unions, particularly university employees and workers in the construction and transport (both public and private) industries.

In 1999 the ILO Committee of Experts stated that the Government's rejections of several applications for registration by trade unions in the textile, metal, and garment sectors was unjustified. The Ministry of Labor contended that these cases lacked the necessary documentation.

There were no legal restrictions on political activities by labor unions, although the calling of nationwide hartals or transportation blockades by unions was considered a criminal rather than a political act and was forbidden.

Unions were highly politicized, and were strongest in state-owned enterprises and in such institutions as the Government-run port in Chittagong. Virtually all the NTU centers were affiliated with political parties. Some unions engaged in intimida-

tion and vandalism. Fighting often was over the control of rackets or extortion payoffs and typically involved knives, guns, and homemade bombs. According to the ICFTU, Iqbal Majumder, the General Secretary of the Workers Trade Union Federation was shot dead on August 2, 2001.

Workers were eligible for membership on their union's executive staff, the size of which is set by law in proportion to the number of union members. The Registrar of Trade Unions may cancel registration of a union with the concurrence of the Labor Court, but no such actions were known to have taken place during the year.

There were provisions in the Industrial Relations Ordinance for the immunity of registered unions or union officers from civil liability. Enforcement of these provisions was uneven. In past illegal work actions, such as transportation blockades, police officers had arrested union members under the SPA or regular criminal codes.

There were no restrictions on affiliation with international labor organizations, and unions and federations maintained a variety of such links. Trade unionists are required to obtain government clearance to travel to ILO meetings, but there were no reports that clearances were denied during the year.

In a November report, the ILO Committee on Freedom of Association reviewed complaints that the president and other members of the Bangladesh Diploma Nurses Association had been harassed and persecuted on trade union activities. According to the ILO, Taposhi Bhattacharee was suspended from her hospital post because of alleged participation in an illegal October 2001 meeting.

The ILO Committee of Experts Report on ILO Freedom of Association noted certain exclusions from the Industrial Relations Ordinance, restrictions regarding membership in unions and election of union officials, restrictions on activities of public servants' associations, right to organize and bargain collectively in export processing zones, and restrictions on the right to strike.

b. The Right to Organize and Bargain Collectively.—Under the Industrial Relations Ordinance, there is considerable leeway for discrimination against union members and organizers by employers. For example, the ordinance allows the arbitrary transfer of workers suspected of union activities or termination with payment of mandatory severance benefits (2 weeks salary). In practice private sector employers usually discouraged any union activity, sometimes working in collaboration with local police.

The Registrar of Trade Unions rules on discrimination complaints. In a number of cases, the Labor Court ordered the reinstatement of workers fired for union activities. However, the Labor Court's overall effectiveness was hampered by a serious case backlog, and in the past there had been allegations that employers had corrupted some of its deliberations.

Collective bargaining by workers is legal on the condition that unions legally registered as collective bargaining agents by the Registrar of Trade Unions represent them. Labor unions were affiliated with the various political parties; therefore, each industry generally had more than one labor union (one or more for each political party). To engage in collective bargaining, each union must nominate representatives to a Collective Bargaining Authority (CBA) committee, which the Registrar of Trade Unions must approve after reviewing the selection process. Collective bargaining occurred on occasion in large private enterprises such as pharmaceuticals, jute, or textiles but because of high unemployment, workers may forgo collective bargaining due to concerns over job security. Collective bargaining in small private enterprises generally did not occur. The International Confederation of Free Trade Unions (ICFTU) had criticized the country for what it viewed as legal impediments that hampered such bargaining.

Public sector workers' pay levels and the National Pay and Wages Commission, whose recommendations were binding and may not be disputed except on the issue of implementation, set other benefits.

The right to strike is not recognized specifically in the law, but strikes were a common form of workers' protest. In addition, political opposition parties used general strikes to pressure the Government to meet political demands. Workers at Chittagong port, the country's major harbor, conducted several work stoppages to protest a proposed new private container port. The process of conducting work stoppages was habitual until the Government designated this sector as essential during the year. Some employees organized in professional associations or unregistered unions also went on strike during the year. Wildcat strikes are illegal but did occur, with varying government responses. Wildcat strikes in the transportation sector were particularly common.

The Essential Services Ordinance of 1958 permitted the Government to bar strikes for 3 months in any sector that it declared essential. During the year, the Government applied this to the Power Development Board, the Dhaka Electric Supply Authority, Chittagong Port, and nine companies in the gas and energy sectors.

In the past, the Government had applied this ban to national airline pilots, water supply workers, and shipping employees. The ban may be renewed for 3-month periods. The Government is empowered to prohibit a strike or lockout at any time before or after the strike or lockout begins and to refer the dispute to the Labor Court.

Mechanisms for conciliation, arbitration, and labor court dispute resolution were established under the Industrial Relations Ordinance. Workers have the right to strike in the event of a failure to settle. If the strike lasts 30 days or longer, the Government may prohibit it and refer the dispute to the Labor Court for adjudication, although this has not happened in recent years. The ILO has criticized the provisions of the Industrial Relations Ordinance that require three-quarters of a worker's organization to consent to a strike and that grant the Government authority to prohibit a strike at any time.

The country's five Export Processing Zones (EPZs) were exempt from the application of the Employment of Labor (Standing Orders) Act, the Industrial Relations Ordinance, and the Factories Act. These laws established the freedom of association and the right to bargain collectively, and set forth wage, hour, and occupational safety and health standards. While substitutes for some of the provisions of these laws were implemented through EPZ regulations, which the Bangladesh EPZ Authority is charged with enforcing, professional and industry-based unions are prohibited in the zones. A small number of workers in the EPZs skirted prohibitions on forming unions by setting up associations. The Bangladesh Export Processing Zone Authority (BEPZA) reported that workers selected representatives for workers' welfare committees and dispute resolution tribunals, each intended to provide workers and managers more experience in resolving workplace disputes. In 2000 the Government pledged to apply all sections of the labor law to the EPZs by January 1, 2004.

According to BEPZA there were approximately 44,000 persons employed in EPZs in Dhaka, 76,000 in Chittagong, and 1,400 in other areas. The ILO, in its 2001 report on the application of International Labor Conventions, deplored the lack of progress and discrepancies between legislation and certain ILO Conventions, including freedom of association and collective bargaining. During the year, the ILO Committee of Experts Report noted that there were particular problems with voluntary bargaining in the private sector, a lack of legal protection against acts of interference, and a denial of protection against anti-union discrimination and the right to bargain collectively.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including that performed by children; however, the Government did not enforce this prohibition effectively. The Factories Act and Shops and Establishments Act established inspection mechanisms to enforce laws against forced labor; however, these laws were not enforced rigorously, partly because resources for enforcement were scarce. There was no bonded or forced labor in large-scale enterprises; however, numerous domestic servants, including many children worked in conditions that resembled servitude and many suffered physical abuse, sometimes resulting in death. A local NGO released a study of various forms of violence against domestic workers in 2001. The study found that 7 children were tortured, 3 died from physical torture, 2 were raped, and 19 were otherwise victimized. In the past, the Government has brought criminal charges against employers who abuse domestic servants; however, many impoverished families settled for financial compensation.

In 2000 the ILO noted that certain provisions of the Penal Code, the Special Powers Act, the Industrial Relations Ordinance, and the Control of Employment Ordinance, allowed for the imposition of forced labor as punishment for expressing political views or views opposed to the established political system, as a punishment for various breaches of labor discipline, and as punishment for participating in strikes in a wide range of circumstances. For example, sentences of up to 14 years of forced labor can be imposed for offenses such as "obstruction of transport," a commonly used tactic in strikes. In addition, under the Merchant Shipping Ordinance, seafarers may be forced on board ship to perform their duties. There were no reports of the use of these provisions during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no law that uniformly prohibits the employment of children, and child labor was a serious problem. Some laws prohibit labor by children in certain sectors. The Factories Act bars children under the age of 14 from working in factories. This law also stipulates that children and adolescents are allowed to work only a maximum 5-hour day and only between the hours of 7 a.m. and 7 p.m. The Shops and Establishments Act prohibits the employment of children younger than the age of 12 in com-

mercial workplaces. The Employment of Children Act prohibited the employment of children under the age of 15 in the railways or in goods' handling within ports.

Because of widespread poverty, many children began to work at a very young age. The Government estimated that approximately 6.6 million children between the ages of 5 and 14 years worked. Working children were found in 200 different types of activities, of which 49 were regarded as harmful to children's physical and mental well being. Sometimes children were seriously injured or killed in workplaces.

For example, in October a 12-year old domestic servant was severely beaten and locked in the toilet for taking a spoon of milk without permission. Also in October, a 14-year old girl was taken to the hospital for burns and other injuries following severe beatings by her employer. There were no reports of deaths of children domestic workers although there were some of adult domestic workers. A November 2000 garment factory fire resulted in the death of 10 child workers.

Children often worked alongside other family members in small-scale and subsistence agriculture. Hours usually were long, the pay usually was low, and the conditions were sometimes hazardous. Children drove rickshaws; broke bricks at construction sites; carried fruit, vegetables, and dry goods for shoppers at markets; worked at tea stalls; and worked in the shrimp processing industry as "fry catchers", depot workers, and de-headers. Many children worked in the beedi (hand-rolled cigarette) industry, and children under 18 years old sometimes worked in hazardous circumstances in the leather industry. Children routinely performed domestic work. In the past, the Government brought criminal charges against employers who abused domestic servants. Under the law, every child must attend school through the fifth grade, or the age of 10 years. However, there was no effective mechanism to enforce this provision.

There was virtually no enforcement of child labor law enforcement outside the export garment sector. Penalties for child labor violations were nominal fines ranging from about $4 to $10 (Taka 228 to 570). The Ministry of Labor had fewer than 110 inspectors to monitor 180,000 registered factories and establishments. These inspectors were charged with enforcing labor laws pertaining to more than 1.5 million workers. Most child workers were employed in agriculture and other informal sectors, where no government oversight occurred.

The Bangladesh Garment Manufacturers' and Exporters Association (BGMEA) inspects member factories to eliminate child labor in the garment sector. Among the 3,340 garment factories they inspected during the year, the team found 71 member factories employing a total of 155 children. According to the ICFTU, there was a significant reduction of child labor in the garment industry; while 43 percent of exporting factories used child labor in 1995, by 2001, the figure had fallen 5 percent. The BGMEA fined each factory about $100 (Taka 5,700). Former child employees were also offered a small monthly stipend to help replace their lost income while attending UNICEF-sponsored schools.

In cooperation with the Non-Formal Education Directorate of the Government and some NGO partners, UNICEF implemented a "hard-to-reach" program to provide education to 350,000 (primarily working) children in urban slum areas around the country. Working with the Government, NGOs, and some trade unions, International Program for the Elimination of Child Labor (ILO/IPEC) had 20 action programs, targeting approximately 6,000 children working in hazardous conditions, designed to ensure that children received an education, rather than removing children from work. The largest ILO project focused on children working in hazardous occupations, ranging from exposure to chemicals and other harmful substances to long tedious working hours. The first phase of the project began in August 2001. Aimed at removing 30,000 children from hazardous occupations and preventing another 15,000 younger siblings from taking their place, the project focused on the beedi industry, the construction sector, leather tanneries, match factories, and the domestic work sector. The ILO has contracted with 24 NGO partners to create child labor monitoring community resource centers. So far, over 18,000 working children are attending non-formal education classes and 2,000 have been mainstreamed to formal schools. 1,681 have been withdrawn from hazardous work while 6 beedi factories have signed memoranda of understanding with the local communities declaring themselves "child labor free."

The Constitution prohibits forced or bonded labor, including that performed by children; however, the Government did not enforce this prohibition effectively.

e. Acceptable Conditions of Work.—There was no national minimum wage. Instead, the Wage Commission, which convenes every several years, sets wages and benefits industry by industry, using a range based on skill level. In most cases, private sector employers ignored this wage structure. For example, in the garment industry, many factories did not pay legal minimum wages, and it was common for workers of smaller factories to experience delays in receiving their pay or to receive

"trainee" wages well past the maximum 3 months. According to the ICFTU, an international trade union study from February 2001 indicated that 21.7 percent of textile workers in the country earned the minimum wage. Wages in the EPZs were generally higher than outside the zones. The declared minimum monthly wage for a skilled industrial worker was approximately $63 (Taka 3,400) for a worker in an EPZ and approximately $49 (Taka 2,650) for a worker outside an EPZ. This was sufficient to provide an individual with a minimal standard of living, but was not sufficient to provide a decent standard of living for a worker and family.

The law sets a standard 48-hour workweek with 1 day off mandated. A 60-hour workweek, inclusive of a maximum 12 hours of overtime, was allowed. The law was enforced poorly in industries such as hosiery and ready-made garments.

The Factories Act nominally sets occupational health and safety standards. The law is comprehensive but largely was ignored by employers. For example, there are many fire safety violations in the garment industry. Many factories were located in structures that were not designed adequately for industrial use, nor for the easy evacuation of large work forces. In November 2000, 48 garment workers, including 10 children, were killed and more than 100 persons were injured when they were unable to escape from a factory fire due to locked exits.

In August 2001, 18 garment workers were trampled to death because an exit gate jammed as they were fleeing a factory after a fire alarm. Workers may resort to legal action for enforcement of the law's provisions, but few cases actually were prosecuted. Enforcement by the Labor Ministry's industrial inspectors was weak, due both to the low number of labor inspectors, and to endemic corruption and inefficiency among inspectors. Due to a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to participate in perceived dangerous activities risked losing their jobs.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking was a serious problem. There was extensive trafficking in both women and children, primarily to India, Pakistan, and destinations within the country, mainly for the purpose of prostitution and in some instances for labor servitude. Some children also were trafficked to the Middle East to be used as camel jockeys.

Trafficking in children for immoral or illegal purposes carries the death penalty or life imprisonment. However, few perpetrators were punished. Besides law enforcement agencies, a number of NGOs, including BNWLA, Odhikar, ACD, Ahasania Mission and INCIDIN, recovered and assisted victims of trafficking. In the first six months of the year, law enforcement agencies rescued 103 victims while the BNMLA rescued 25 victims from inside the country and 14 others from outside the country. During this period, 163 alleged traffickers were arrested and detained in prisons. The BNMLA conducted 129 cases related to trafficking in women and children and 23 traffickers were convicted in nine cases resolved in the first half of the year.

The number of persons arrested for trafficking was difficult to obtain as charges against traffickers usually are for lesser crimes, such as crossing borders without proper documents. A September 6 newspaper report quoting statistics from the Center for Women and Children Studies (CWCS) said only 1 percent of trafficked children and 55 percent of kidnaped children were rescued between January 2000 and June. According to CWCS most trafficked boys were under 10 years of age while most trafficked girls were between 11–16 years old.

The Government developed a set of policies and plans regarding the trafficking issue, and initiated a program across a number of ministries to address the problem. Arrests and prosecutions increased significantly and a major national anti-trafficking prevention campaign was launched to increase awareness of the problem among vulnerable groups. However, government capacity to address this issue remained limited. Government projects included conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs. While the Government provided support for returning trafficking victims, government-run shelters were generally inadequate and poorly run.

In June 2000, the Government signed a 3-year, approximately $2 million (Taka 108 million) project with the Norwegian government aid organization, NORAD, to develop an interministerial infrastructure for addressing the trafficking problem. This project, based in the Department of Women and Children's Affairs, was intended to be the focal point for addressing the prosecution, protection, and prevention activities carried out by the Government. A goal of the project was for the Government to become more involved in arresting and prosecuting traffickers. However, because the Government did not keep records of births and marriages at the village level, it was very difficult for authorities to detect false claims of marriage or family

ties. Despite this, there was some prosecution of these cases. Increasing shelter capacity and rehabilitation programs was another feature of the NORAD project.

The exact number of women and children trafficked was unknown; however, human rights monitors estimated that more than 20,000 women and children were trafficked annually from the country for the purpose of prostitution. Most trafficked persons were lured by promises of good jobs or marriage, and some were forced into involuntary servitude outside of the country. Parents sometimes willingly sent their children away to escape poverty. Unwed mothers, orphans, and others outside of the normal family support system were also susceptible. Traffickers living abroad often arrived in a village to "marry" a woman, only to dispose of her upon arrival in the destination country, where women were sold by their new "friends" or "husbands" into bonded labor, menial jobs, or prostitution. Criminal gangs conducted some of the trafficking. The border with India was loosely controlled, especially around Jessore and Benapole, making illegal border crossings easy.

The number of child prostitutes was difficult to determine. Prostitution is legal, but only for persons over 18 years of age with government certification; however, this minimum age requirement commonly was ignored by authorities, and was circumvented easily by false statements of age. Procurers of minors rarely were prosecuted, and large numbers of child prostitutes worked in brothels. Trafficking in women for purposes of prostitution carries a sentence varying from 10 years in prison to the death penalty. Human rights monitors also credibly reported that police and local government officials often ignored trafficking in women and children for prostitution, and were easily bribed to look the other way (*see* Sections 1.c. and 5).

Children, usually young boys, also were trafficked into the Middle East to work as camel jockeys. It was estimated that there were anywhere from 100 to more than 1,000 underage South Asian camel jockeys working in the United Arab Emirates (UAE) alone; while many come from India and Pakistan, a growing number came from the country. Criminal gangs procured most of the youths. The majority of such children worked with the knowledge of their parents, who received as much as approximately $200 (Taka 10,000) for their child's labor, although a significant minority simply were kidnaped. The gangs bringing the jockeys earned approximately $150 (Taka 7,500) per month from the labor of each child. The usual procedure used was to add the children's names to the passport of a Bangladeshi or Indian woman who already has a visa for the Middle East. During the year, police made arrests in several incidents for trafficking in young boys to the Middle East and at year's end these cases were pending before the courts.

There were credible reports that police facilitated trafficking of women and children. When perpetrators were caught trafficking persons across the border, police involvement was low level, consisting primarily of falsifying documents with statements like "passport fraud" rather than "trafficking." The law stipulates a maximum sentence of life imprisonment for persons found guilty of trafficking a child into prostitution.

Many NGOs and community-based organizations are working on the trafficking problem through prevention efforts, research, data collection, documentation, advocacy, awareness creation and networking, crossborder collaboration, legal enforcement, rescue, rehabilitation, reintegration, income generation and low-interest loan programs, vocational training, and legislative reform.

Action Against Trafficking and Sexual Exploitation of Children (ATSEC), a national antitrafficking network, recently began to implement several antitrafficking activities. These activities included linking NGOs and government entities into a strong partnership, establishing a focal point for moving the national antitrafficking agenda forward, establishing a resource center to disseminate data on the subject, and providing technical support to grassroots organizations. In addition, ATSEC developed culturally sensitive prevention and awareness messages that will reach persons at the community level. The program has developed and tested materials used for a national campaign using all media. This included conducting awareness-raising workshops and meetings at all levels, launching school programs, establishing a mobile campaign throughout the country, and launching an advertising campaign in border areas.

The Association for Community Development conducted a study on trafficking issues and conducted workshops and outreach programs aimed at reaching potential victims of trafficking before they are trafficked. The BNWLA conducted awareness programs aimed at alerting poor persons to the dangers of trafficking through leaflets, stickers, and posters. The BNWLA also provided legal assistance to trafficking victims, and initiated legal action against traffickers. The BNWLA ran a shelter home for trafficked women and children that provided health care, counseling, and training. CWCS monitored trafficking across the country, conducted awareness meetings, and had a pilot project to make police aware of the rights of women and

children. Awareness of trafficking is increasing, and the topic received frequent press coverage. Two umbrella organizations of antitrafficking NGOs existed and sought to improve coordination and planning of efforts against the problem.

Over the past year a number of important breakthroughs have been made in the trafficking sector. All of the major actors, including the Government, have come together to develop a common, unified umbrella program. In addition, agencies have developed a proposed plan of action to address the trafficking issue regionally.

BHUTAN

Bhutan is ruled by a hereditary monarch, King Jigme Singye Wangchuk, who governs with the support of a National Assembly, a Cabinet, a Council of Ministers (the Royal Advisory Council), and the Monastic Body, a 5,000-member body that is headed by four representatives with the consent of the King. There is no written constitution to protect fundamental political and human rights; however, during the year a constitution was being drafted and debated by the National Assembly. In recent years, the Government has adopted some measures to increase the power of the National Assembly. Since ascending to the throne in 1972, the King has continued the efforts toward social and political modernization begun by his father. In the last few years, the Government has improved rapidly services in education, health care, sanitation, and communications, with parallel but slower development of representative governance and decisionmaking. The judiciary is not independent of the King.

The Royal Bhutan Police (RBP), assisted by the Royal Bhutan Army (including those assigned to the Royal Body Guard), and a national militia maintain internal security. Some members of these forces committed human rights abuses.

The economy is predominately a government-controlled economy. It is based on agriculture and forestry, which provide the main livelihood for 90 percent of the population and account for approximately half of the gross domestic product (GDP); the population is 698,950. Agriculture largely consists of subsistence farming and animal husbandry. Citrus fruit, cardamom, and other spices are the leading agricultural exports. Cement and electricity are the other important exports. Strong trade and monetary ties link the economy closely to that of India. Income distribution remained very unequal, with the approximately 10 percent of the population receiving about 70 percent of the national income. Hydroelectric power production potential and tourism are key resources, although the Government limits tourism because of inadequate infrastructure and environmental and cultural concerns. Tourist arrivals also are limited by a requirement that tourists purchase a high priced minimum daily rate holiday package before visiting the country. Visas are required of all persons other than Indian nationals. Unemployment for the population under the age of 20 increased during the year.

The Government's human rights record remained poor, and problems remained in several areas. Citizens do not have the right to change their government, although citizens voted for 105 out of the 150 representatives in the National Assembly during the year. The King exercised strong, active, and direct power over the Government. The Government prohibits political parties, and none operate legally. Arbitrary arrest and detention remained problems, and reports continued of torture and abuse of detainees. Impunity for those who commit abuses also was a problem. Judges serve at the King's pleasure, and the Government limited significantly the right to a fair trial. In April 2000, the Government established the Department of Legal Affairs. Programs to build a body of written law and to train lawyers were progressing. The Government limited significantly citizens' right to privacy. The Government restricted freedom of speech, press, assembly, and association. Citizens faced limitations on freedom of religion. Approximately three-fourths of population is composed of Buddhists with cultural traditions akin to those of Tibet. The Buddhist majority consisted of two principal ethnic and linguistic groups: The Ngalongs of the western part of the country and the Sharchops of the eastern part of the country. The remaining one fourth of the population, ethnic Nepalese, most of whom are Hindus, primarily live in the country's southern districts. Government efforts to institute policies designed to preserve the cultural dominance of the Ngalong ethnic group, to change citizenship requirements, and to control illegal immigration resulted in political protests, ethnic conflict, and repression of ethnic Nepalese in southern districts during the late 1980s and early 1990s. Since 1998 the Government began resettling Buddhist Bhutanese from other regions of the country on land in southern districts vacated by the ethnic Nepalese living in refugee camps in Nepal, which is likely to complicate any future return of the ethnic Nepalese.

Tens of thousands of ethnic Nepalese left the country in 1991–92, many of whom were expelled forcibly. According to the U.N. High Commissioner for Refugees (UNHCR), as of March, 101,160 ethnic Nepalese remained in 7 refugee camps in eastern Nepal; upwards of 15,000 reside outside of the camps in the Indian states of Assam and West Bengal. The Government maintained that some of those in the camps never were citizens, and therefore have no right to return. The Government continued its negotiation with the Government of Nepal on repatriation of ethnic Nepalese in the refugee camps. A bilateral meeting of Foreign Secretaries in November 2001 failed to resolve disputes concerning the categorization of refugees in terms of eligibility for their eventual repatriation. The Government restricted worker rights.

The Government claimed that it has prosecuted government personnel for unspecified abuses committed in the early 1990s; however, there is little indication that the Government has investigated adequately or punished any security force officials involved in torture, rape, and other abuses committed against ethnic Nepalese residents.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

Domestic human rights groups alleged that the Government has taken no action to punish a government official for the 1998 killing of Buddhist monk Gomchen Karma. The Government stated that the shooting was accidental and that the official responsible has been suspended from duty and charged in connection with the incident. The opposition Druk National Congress claimed that the official responsible reportedly was forced to resign from his government job; however, he was never tried.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The laws proscribe torture and abuse in general; however, human rights advocates stated that in practice the security forces ignored these provisions. No one was prosecuted in connection with violating prohibitions against torture during the year. In 2000 there were reports that security forces stopped ethnic Nepalese refugees attempting to return to the country, beat them or tortured them, and sent them back across the border. Refugee groups state that this has discouraged others from trying to return to the country.

Refugee groups credibly claimed that persons detained as suspected dissidents in the early 1990s were tortured and/or raped by security forces. During those years, the Government's ethnic policies and the crackdown on ethnic Nepalese political agitation created a climate of impunity in which the Government tacitly condoned the physical abuse of ethnic Nepalese. The Government indicated that members of the RBP engaged in "overzealous" behavior in dealing with the ethnic Nepalese political agitation, and the Government prosecuted three government officials for unspecified abuses of authority during that period; however, the Government failed to provide further details of these cases to the public.

Prison conditions reportedly were adequate, if austere. Visits by the International Committee of the Red Cross (ICRC) and the opening of a prison in Thimphu contributed to improving conditions of detention. However, human rights groups active outside the country maintained that prison conditions outside of the capitol city of Thimphu remained oppressive.

The Government and the ICRC signed a new Memorandum of Understanding in 1998, extending the ICRC prison visits program for another 5 years. The ICRC conducted one prison visit during the year, as it has done for each of the past 8 years, and was allowed unhindered access.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remained problems. Under the law, police may not arrest a person without a warrant and must bring an arrested person before a court within 24 hours, exclusive of travel time from place of arrest. However, legal protections were incomplete, due to the lack of a fully developed criminal procedure code and to deficiencies in police training and practice. Incommunicado detention, particularly of Nepalese refugees returning without authorization, was still known to occur. Incommunicado detention of suspected militants was a serious problem in the early 1990s, but the initiation of ICRC prison visits and the establishment of an ICRC mail service between detainees and family members has helped to allay this problem. Of those detained in connection with political dissidence and violence in southern areas in 1991–92, 70

continued to serve sentences after conviction by the High Court, according to the ICRC.

In May 2001, Damber Singh Pulami, a refugee who had lived in a camp in Nepal, was arrested in the country. Pulami reportedly was a member of the Youth Organization of Bhutan (the youth wing of the banned Bhutan People's Party) and had gone to the country to check on the internal resettlement of non-Nepalese to the south. Amnesty International (AI) still has not received a response to queries about the charges against him, his whereabouts, and his physical condition, although according to one human rights group Pulami is in Chemgang Jail in Thimphu. The Government admitted that it had arrested Pulami in May 2001; however, it alleged that Pulami was a criminal and was arrested in connected with extortion, kidnaping, killing, and subversive activities. According to AI, Tul Man Tamang, a 30-year-old construction worker was arrested in June 2001 on suspicion of organizing political activities. He reportedly was taken to a police station at Chimakothi in Chhukha district where he allegedly was tortured, held incommunicado in a dark cell, and forced to sign a statement saying he was leaving the country voluntarily before being forcibly exiled to India. During the year, the Government continued to deny that it had arrested Tul Man Tamang.

There were no developments in the June 2001 arrest of Ugyen Tenzing, a member of the Druk-Yul Peoples' Democratic Party, in Samtse district. N.L. Katwal, a central committee member of the Bhutan Gorkha National Liberation Front, was 1 of more than 55 persons arrested during a demonstration in Phuntsholing in 2000. In December 2000, he was sentenced to 13 years and 6 months in prison. He was serving his sentence in Chamgang Jail at year's end.

Rongthong Kunley Dorji, leader of the Druk National Congress (DNC) and United Front for Democracy in Bhutan (UFD), was arrested in India in 1997, following the issuance of an extradition request by Bhutanese authorities. Human rights groups contend that the charges brought against Dorji by the Government are motivated politically and constitute an attempt to suppress his prodemocracy activities. In 1998 an Indian court released Dorji on bail but placed restrictions on his movements. Dorji's extradition case still was pending in the Indian courts and is proceeding slowly. According to a refugee-based human rights group, only one prosecution witness, a Joint Secretary in India's Ministry of External Affairs, has been cross-examined in the last 40 months. The next witness, another Indian government official, was scheduled to testify in January 2003.

In the past, according to AI, many persons have been detained on suspicion of being members or supporters of the DNC. Human rights groups alleged that arrest and abuse of refugees returning to the country without authorization continued to occur but went unreported by the Government. The Government acknowledged that 58 persons whom it described as terrorists were serving sentences at the end of 1998 for crimes including rape, murder, and robbery. There were no peaceful protest marches from India to Bhutan during the year, perhaps due to fear of arrests and deportation, as occurred in previous years after such marches. Persons holding peaceful marches from India to Bhutan charged that in 1999 the Bhutanese police assaulted them, injuring several demonstrators, and then arrested and deported all of the marchers to Nepal (*see* Section 5).

Although the Government does not use exile formally as punishment, many accused political dissidents freed under government amnesties state that they were released on the condition that they depart the country. Many of them subsequently registered at refugee camps in Nepal. The Government denied this.

e. Denial of Fair Public Trial.—There is no written constitution and the judiciary is not independent of the King; however, during 2001 the King commanded a 39-member committee to draft a constitution, which is intended to pave the way for a constitutional monarchy in upcoming years (*see* Section 3). The judicial system consisted of three branches, the Sub-Divisional Court, the District Court, and a High Court. Only the King can pardon or commute a sentence. Judges were appointed by the King on the recommendation of the Chief Justice and may be removed by the King. There was no uniform system of qualifications for judge appointments. For example, a nongovernmental organization (NGO) reported that the Chief Justice had not completed formal high school studies before his judicial appointment. Village headmen adjudicate minor offenses and administrative matters.

The Office of Legal Affairs (OLA) conducted state prosecutions, drafted and reviewed legislation, and rendered legal counsel. The OLA was composed of a Legal Services Division (which eventually was to become the Ministry of Law and Justice) with domestic, international, and human rights sections; and a Prosecution Division, with a criminal section and a civil section.

Criminal cases and a variety of civil matters were adjudicated under a legal code established in the 17th century and revised in 1958 and 1965. State-appointed pros-

ecutors filed charges and prosecuted cases for offenses against the State. In other cases, the relevant organizations and departments of government filed charges and conducted the prosecution. Defendants were supposed to be presented with written charges in languages that they understood and given time to prepare their own defense. However, according to some political dissidents, this practice was not always followed. There were reports that defendants received legal representation at trial, and that they could choose from a list of 150 government-licensed and employed advocates to assist with their defense; however, it was not known how many defendants actually received such assistance. A legal education program gradually was building a body of persons who have received formal training abroad in the law. For example, the Government sends many lawyers to India and other countries for legal training; 54 persons have completed legal studies abroad, and 43 more were enrolled. Village headmen, who had the power to arbitrate disputes, constitute the bottom rung of the judicial system. Magistrates, each with responsibility for a block of villages, could review their decisions. Magistrates' decisions could be appealed to district judges, of which there was one for each of the country's 20 districts. The High Court in Thimphu is the country's Supreme Court.

Defendants have the right to appeal to the High Court and may make a final appeal to the King, who traditionally delegated the decision to the Royal Advisory Council. Trials were supposed to be conducted in open hearings, but NGOs alleged that this was not always the case in practice. Courts decisions were not published and public access to the country's laws was limited. The National Library houses the legal codes in the national language, but other copies or volumes were not available to the public. There was a legal requirement that citizens pay for their own legal counsel; however, many citizens were unable to afford representation and thus in practice did not receive legal assistance in court.

Questions of family law, such as marriage, divorce, and adoption, traditionally are resolved according to a citizen's religion: Buddhist tradition for the majority of the population and Hindu tradition for the ethnic Nepalese. Nonetheless the Government states that there is one formal law that governs these matters.

Some or all of the approximately 106 prisoners serving sentences for offenses related to political dissidence or violence, primarily by ethnic Nepalese during 1991–92, may be political prisoners (*see* Section 1.e.).

In 1999 the King pardoned prisoner Tek Nath Rizal, a prominent ethnic Nepalese dissident and internationally recognized political prisoner. In 2000 Rizal was granted permission to leave the country to receive medial treatment in India; however, at year's end, NGOs reported that the Government has failed to restore his house and land, which in effect, forced him to lead a migratory life and move from one place to the next.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—There are no laws providing for these rights. According to human rights groups, police regularly conducted house-to-house searches for suspected dissidents without explanation or legal justification. The Government requires all citizens, including minorities, to wear the traditional dress of the Buddhist majority in all public places, and strictly enforced this law for visits to Buddhist religious buildings, monasteries, or government offices; in schools, and when attending official functions and public ceremonies; however, some citizens commented that enforcement of this law was arbitrary and sporadic.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government restricts freedom of speech, and to a lesser extent freedom of the press. The country's only regular publication is Kuensel, a weekly newspaper with a circulation of 15,000. It also reports stories on a daily basis through its on-line edition. Kuensel was formerly government-run and human rights groups have stated that government ministries reviewed editorial material and suppressed or changed content. According to the Government, Kuensel was independent and was funded entirely through advertising and subscription revenue. Its board consists of senior civil servants and private individuals. Kuensel, was published in English, Dzongkha, and Nepali languages, and it supported the Government but did occasionally report criticism of the King and of government policies in the National Assembly. For example, the Kuensel published a series of articles that exposed corrupt practices of some Ministers during the year. Some journalists who worked for Kuensel were reportedly subjected to threats and harassment by the Ministers and their activists. The Government maintained that there were no restrictions on individuals starting new publications, but that the market was too small to support any. Nepalese, Indian, and other foreign newspapers and magazines were available, but readership was in the hundreds and primarily limited to government officials.

After a 10-year ban on private television reception, in 2000 the Government began to allow broadcasts of locally produced and foreign programs. There were more than 33 cable providers in the country with more than 10,000 subscribers. A large variety of programming was available, including CNN and BBC. The Government did not censor cable content. The Government radio station broadcasts each day for two hours in the four major languages (Dzongkha, Nepali, English, and Sharchop).

The Government inaugurated the country's first Internet service provider, Druknet, in 1999; it had 1,820 subscribers as of late 2000. There were Internet cafes in Thimphu, Phuentsholing and Bumthang. The Government did not censor any content on Druknet except for pornography, which was blocked.

There were no reported restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Government restricted freedom of assembly and association. Citizens may engage in peaceful assembly and association only for purposes approved by the Government. NGOs and political parties were illegal under the law. Although the Government allowed civic and business organizations, there were no legally recognized political parties. The Government regarded parties organized by ethnic Nepalese exiles—the Bhutan People's Party (BPP), the Bhutan National Democratic Party (BNDP), and the Druk National Congress—as "terrorist and antinational" organizations and declared them illegal. These parties, which seek the repatriation of refugees and democratic reform, did not conduct activities inside the country.

c. Freedom of Religion.—The law provides for freedom of religion; however, the Government restricted this right in practice. The Drukpa branch of the Kagyupa School of Mahayana Buddhism was the state religion. Approximately two-thirds of the population practiced either Drukpa Kagyupa or Ningmapa Buddhism.

The Drukpa discipline was practiced predominantly in the western and central parts of the country, which was inhabited mainly by ethnic Ngalongs (descendants of Tibetan immigrants who predominate in government and the civil service, and whose cultural norms have been declared to be the standard for all citizens). The Ningmapa school was practiced predominantly in the eastern part of the country, although there were adherents, including the royal family, in other areas. Most of those living in the east are ethnic Sharchops—the descendants of those thought to be the country's original inhabitants. The Government subsidized monasteries and shrines of the Drukpa sect and provided aid to approximately one-third of the Kingdom's 12,000 monks. The Government also provided financial assistance for the construction of Drukpa Kagyupa and Ningmapa Buddhist temples and shrines. NGOs reported that permission from the Government to build a Hindu temple was required but rarely granted. There were no Hindu temples in Thumphu, despite the migration of many ethnic Nepalese to Thumphu. The Drukpa branch of Buddhism enjoyed statutory representation in the National Assembly (Drukpa monks occupy 10 seats in the 150-member National Assembly) and in the Royal Advisory Council (Drukpa monks hold 2 of the 11 seats on the Council); the Drukpa branch was an influential voice on public policy. Citizens of other faiths, mostly Hindus, enjoy freedom of worship but may not proselytize. Followers of religions other than Buddhism and Hinduism generally were free to worship in private homes but may not erect religious buildings or congregate in public. Under the law, conversions were illegal. Some of the country's few Christians, mostly ethnic Nepalese living in the south, state that they were subject to harassment and discrimination by the Government, local authorities, and non-Christian citizens.

The King declared major Hindu festivals to be national holidays, and the royal family participates in them. Foreign missionaries are not permitted to proselytize, but international Christian relief organizations and Jesuit priests were active in education and humanitarian activities. The Government restricted the import into the country of printed religious matter; only Buddhist religious texts can be imported. According to dissidents living outside of the country, Buddhist religious teaching, of both the Drukpa Kagyupa and Ningmapa sects was permitted in the schools, but the teaching of other religious faiths was not. Applicants for government services sometimes were asked their religion before services are rendered. All government civil servants, regardless of religion, were required to take an oath of allegiance to the King, the country, and the people. The oath does not have religious content, but was administered by a Buddhist lama.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens traveling in border regions were required to show their citizenship identity cards at immigration check points, which in some cases were located

at a considerable distance from what is in effect an open border with India. By treaty citizens may reside and work in India.

The country was not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol (*see* Section 5). The Government states that it recognizes the right to asylum in accordance with international refugee law; however, the Government has not formulated a policy regarding refugees, asylees, first asylum, or the return of refugees to countries in which they fear persecution.

According to one credible human rights source, until recently the Government systematically arrested and imprisoned Tibetan refugees crossing the border with Tibet. This policy was followed under a tacit agreement with China. So invariable was this policy that Tibetan leaders advised refugees not to use routes of escape through the country, and refugees have not done so for several years. Since Tibetans effectively were the only refugee population seeking first asylum in the country, the issue of first asylum did not arise during the year.

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

Citizens do not have the right to change their government. The country is a monarchy with sovereign power vested in the King. However, during 2001 a draft constitution was written. A newspaper quoted the Chief Justice of the Supreme Court as saying that the committee discussed the merits of multiparty politics. The drafting committee was chaired by the Chief Justice of the High Court and was, according to the Government, composed of representatives of the Monastic body, the people, the judiciary, and the Royal government. The Government indicated that the Constitution would be a codification of existing Buddhist-influenced societal standards. In 1998 the King devolved his day-to-day executive powers to the Council of Ministers, who were elected by the National Assembly from among themselves, but reserved control of "matters of national sovereignty and national security" for himself. He also introduced term limits for his Council of Ministers and proposed measures to increase the role of the National Assembly in the formation of his government. The National Assembly elected a new Council of Ministers and government in July 1998 to a 5-year term. In July 2001, the National Assembly elected six Royal Advisory Councilors. There were elected or partially elected assemblies at the local, district, and national levels, and the Government claimed to encourage decentralization and citizen participation. These elections were conducted in much the same way as National Assembly elections. Since 1969 the National Assembly has had the power to remove ministers whom the King appoints, but it never has done so. Political authority ultimately resided in the King, and decisionmaking involves only a small number of officials. Officials subject to questioning by the National Assembly routinely make major decisions, but the National Assembly is not known to have overturned any decisions reached by the King and government officials.

Political parties do not exist legally. The Government has banned parties established abroad by ethnic Nepalese, Sarchops, or Eastern Bhutanese (*see* Section 2.b.).

The National Assembly had 150 members. Of these, 105 were elected by citizens, 10 were selected by a part of the Buddhist clergy, and the remaining 35 were appointed by the King to represent the Government. The National Assembly, which meets irregularly, had little independent authority. However, there were efforts underway to have the National Assembly meet on a more regular basis, and in recent years the King and the Council of Ministers have been more responsive to the National Assembly's concerns. The procedures for the nomination and election of National Assembly members state that in order to be eligible for nomination as a candidate, a person must be a citizen; be at least 25 years of age; not be married to a foreign national; not have been terminated or compulsorily retired for misconduct from government service; not have committed any act of treason against the King, the populace, and country; have no criminal record or any criminal case pending against him; have respect for the nation's laws; and be able to read and write in Dzongkha (the language, in several dialects, spoken by Bhutanese Buddhists).

Each National Assembly constituency consists of a number of villages. Each village was permitted to nominate one candidate but must do so by consensus. There was no provision for self-nomination, and the law states that no person may campaign for the candidacy or canvass through other means. If more than one village within a constituency puts forward a candidate, an election was conducted by the district development committee, and the candidate obtaining a simple majority of votes cast was declared the winner. During the year, the law allowed individuals over the age of 18 the right to vote. The law did not make clear how a candidate was selected if none achieves a simple majority. However, it did state that in case of a tie among the candidates in the election, selection shall be made through the

drawing of lots. The candidate whose name was drawn shall be deemed to be elected.

Human rights activists claim that the only time individual citizens have any involvement in choosing a National Assembly representative was when they are asked for consensus approval of a village candidate by the village headman. The name put to villagers for consensus approval by the headman is suggested to him by district officials, who in turn take their direction from the central government. Consensus approval took place at a public gathering. Human rights activists stated that there was no secret ballot.

The National Assembly enacted laws, approved senior government appointments, and advised the King on matters of national importance. Voting was by secret ballot, with a simple majority needed to pass a measure. The King may not formally veto legislation, but may return bills for further consideration. The Assembly occasionally rejected the King's recommendations or delayed implementing them, but in general, the King had enough influence to persuade the Assembly to approve legislation that he considered essential or to withdraw proposals he opposed. The Assembly may question government officials and force them to resign by a two-thirds vote of no confidence; however, the National Assembly never has compelled any government official to resign. The Royal Civil Service Commission was responsible for disciplining subministerial level government officials and has removed several following their convictions for crimes, including embezzlement.

The 1998 decree provided that all cabinet ministers were to be elected by the National Assembly and that the roles and responsibilities of the cabinet ministries were to be spelled out. Each cabinet minister was to be elected by simple majority in a secret ballot in the National Assembly from among candidates nominated by the King. The King was to select nominees for cabinet office from among senior government officials holding the rank of secretary or above. The King was to determine the portfolios of his ministers, whose terms were limited to 5 years, after which they must pass a vote of confidence in the National Assembly in order to remain in office. Finally the decree provided that the National Assembly, by a two-thirds vote of no confidence, can require the King to abdicate and to be replaced by the next person in the line of succession. After adopting the decree, the National Assembly elected a new council of ministers consistent with it. Human rights groups maintained that since only the King may nominate candidates for cabinet office, their election by the National Assembly was not a significant democratic reform. The King removed himself as Chairman of the Council of Ministers in 1998. Based on an election held in the National Assembly in 1998, Cabinet Ministers who received the most votes rotate the position on a yearly basis. The Chairman of the Council of Ministers serves as Prime Minster and Head of government. At year's end, Trade and Industry Minister Khundu Wangchuk served as Chairman.

The Monastic Body comprised of 5,000 monks was financed by an annual government grant and was the sole arbiter on religious matters in the country. The body also played an advisory role in the National Assembly, the Royal Advisory Council, and with the King. The King almost consistently deferred to the body's pronouncements on religious matters and many decisions affecting the state.

There are 15 women in the National Assembly. There are 2 women in the Supreme Court, 23 percent of civil service employees are women, and women hold more than 30 percent of positions at the Ministry of Foreign Affairs. The persistence of traditional gender roles apparently accounted for a low proportion of women in government, although women have made visible gains.

There are 105 elected people's representatives in the National Assembly. All major ethnic groups are represented in the National Assembly, including 14 ethnic Nepalese.

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

There were no legal human rights NGOs in the country. The Government regarded human rights groups established by ethnic Nepalese exiles—the Human Rights Organization of Bhutan, the People's Forum for Human Rights in Bhutan, and the Association of Human Rights Activists-Bhutan—as political organizations and did not permit them to operate in the country. AI was permitted to visit in 1998, and later released a report.

ICRC representatives conducted a yearly prison visit, and the Government allowed them unhindered access to detention facilities, including those in southern districts inhabited by ethnic Nepalese. The chairman and members of the U.N. Human Rights Commission Working Group on Arbitrary Detention have made two visits to the country.

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

Ongoing government efforts to cultivate a national identity rooted in the language, religion, and culture of the Ngalong ethnic group restricted cultural expression by other ethnic groups. In the late 1980s and early 1990s, the Government instituted policies designed to preserve the cultural dominance of the Ngalong ethnic group. It also committed many abuses against the ethnic Nepalese, which led to the departure of tens of thousands of them. Many ethnic Nepalese were expelled forcibly, and almost 100,000 of them remain in refugee camps in Nepal. At the time, the Government claimed that it was concerned about the rapid population growth of and political agitation by the ethnic Nepalese. The Government claimed ethnic and gender discrimination in employment was not a problem. It claims that ethnic Nepalese fill 16 percent the civic service or government employment, which was less than their proportion of the total population. Bhutanese human rights groups active outside the country claim that ethnic Nepalese actually make up approximately one third of the country's population and that the Government underreports their number. Women were accorded respect in the traditions of most ethnic groups, although some exile groups claim that gender discrimination was a problem.

Women.—There was no evidence that rape or spousal abuse were extensive problems. However, NGOs reported that many women did not report rape either because of the cultural issues or because they were unaware of the legal options.

The Rape Act contained a clear definition of criminal sexual assault and specified penalties. In cases of rape involving minors, sentences range from 5 to 17 years. In extreme cases, a rapist may be imprisoned for life. There were few known instances of sexual harassment.

Women constitute 48 percent of the population and participate freely in the social and economic life of the country. Approximately 43 percent of enrollment in school was female. Inheritance law provides for equal inheritance among all sons and daughters, but traditional inheritance practices, which vary among ethnic groups, may be observed if the heirs choose to forego legal challenges. Dowries were not customary, even among ethnic Nepalese Hindus. Among some groups, inheritance practices favoring daughters reportedly account for the large numbers of women who own shops and businesses and for an accompanying tendency of women to drop out of higher education to go into business. However, female school enrollment has been growing in response to government policies. Women increasingly were found among senior officials and private sector entrepreneurs, especially in the tourism industry. Women in unskilled jobs generally are paid slightly less than men. Women constitute approximately 30 percent of the formal work force.

In questions related to family law, including divorce, child custody, and inheritance, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women was 16 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women. Polygyny was allowed, provided the first wife gives her permission. Polyandry was permitted but did not often occur. Marriages may be arranged by the marriage partners themselves as well as by their parents. Divorce was common. Existing legislation requires that all marriages must be registered; it also favors women in matters of alimony.

Children.—The Government demonstrated its commitment to child welfare by rapid expansion of primary schools, healthcare facilities, and immunization programs. Mortality rates for both infants and children under 5 years dropped significantly since 1989. The Government provided free and compulsory primary school education, and primary school enrollment increased 9 percent per year since 1991, with enrollment of girls increasing at an even higher rate. Government policies aimed at increasing enrollment of girls increased the proportion of girls in primary schools from 39 percent in 1990 to 45 percent during 2001. In 2001 the participation rate for children in primary schools was estimated at 72 percent, with the rate of completion of 7 years of schooling at 60 percent for girls and at 59 percent for boys. The number of children enrolled in school has grown to 126,718 in 2001. There was no law barring ethnic Nepalese children from attending school. However, most of the 75 primary schools in southern areas heavily populated by ethnic Nepalese that were closed in 1990 remain closed. The closure of the schools acts as an effective barrier to the ability of the ethnic Nepalese in southern areas to obtain a primary education. In addition, ethnic Nepalese also claimed that the Security Clearance Form, which is a prerequisite for taking one's passport out of the Foreign Ministry, was biased against ethnic Nepalese. The ethnic Nepalese said that since the forms are based on the security clearance of their parents, it frequently excludes children of ethnic Nepalese. Exile groups claim that Nepalese students scoring highly on na-

tional exams were not always given the same advantages as other students (such as the chance to study abroad at government expense), particularly if they are related to prominent dissidents or refugees.

There was no societal pattern of abuse against children. Children enjoy a privileged position in society and benefit from international development programs focused on maternal and child welfare. A study by the U.N. Children's Fund (UNICEF) found that boys and girls received equal treatment regarding nutrition and health care and that there is little difference in child mortality rates between the sexes.

Persons with Disabilities.—There was no evidence of official discrimination toward persons with disabilities, but the Government has not passed legislation mandating accessibility for persons with disabilities. Societal discrimination against persons with disabilities remained a problem.

National/Racial/Ethnic Minorities.—Ethnic Nepalese have lived in the southern part of the country for centuries, and the early phases of economic development at the turn of the century brought a large influx of additional ethnic Nepalese. Early efforts at national integration focused on assimilation, including financial incentives for intermarriage, education for some students in regions other than their own, and an increase in development funds for the south. However, in the late 1980s, concern over the increase in the population of and political agitation among ethnic Nepalese prompted aggressive government efforts to assert a national culture, to tighten control over southern regions, to control illegal immigration, to expel ethnic Nepalese, and to promote national integration.

Discriminatory measures, introduced in 1989, continued during the year. Measures included a requirement that national dress be worn for official occasions and as a school uniform, the teaching of Dzongkha as a second language in all schools, and an end to instruction in Nepali as a second language.

During the mid- and late 1980s, citizenship became a highly contentious matter. Requirements for citizenship first were formalized in the Citizenship Law of 1958, which granted citizenship to all adults who owned land and had lived in the country for at least 10 years. However, the law significantly tightened requirements and resulted in the denaturalization of many ethnic Nepalese. The 1985 law required that both parents be citizens in order to confer citizenship on a child, and that persons seeking to prove citizenship through their own or their parents' residency in 1958 be able to prove residency in the country at that time. In many cases, persons were unable to produce the documentation necessary, such as land tax receipts from 1958, to show residency. The law permits residents who lost citizenship under the 1985 law to apply for naturalization if they can prove residence during the 15 years prior to that time. The Government declared all residents who could not meet the new citizenship requirements to be illegal immigrants. Beginning in 1988, the Government expelled large numbers of ethnic Nepalese through enforcement of the new citizenship laws.

The Citizenship Act also provided for the revocation of the citizenship of any naturalized citizen who "has shown by act or speech to be disloyal in any manner whatsoever to the King, country, and people of Bhutan." The Home Ministry later declared in a circular that any nationals leaving the country to assist "antinationals," and the families of such persons, would forfeit their citizenship. Human rights groups alleged that these provisions were used widely to revoke the citizenship of ethnic Nepalese who subsequently were expelled or otherwise departed from the country. In response to the perceived repression, ethnic Nepalese protested, sometimes violently. The protests were led by the BPP, which advocated full citizenship rights for ethnic Nepalese and for democratic reforms. Characterizing the BPP as a "terrorist" movement backed by Indian sympathizers, the authorities cracked down on its activities and ordered the closure of local Nepalese schools, clinics, and development programs after several were raided or bombed by dissidents. There were credible reports that many ethnic Nepalese activists were beaten and tortured while in custody, and that security forces committed acts of rape. There also were credible reports that militants, including BPP members, attacked and killed census officers and other officials, and engaged in bombings.

Local officials took advantage of the climate of repression to coerce ethnic Nepalese to sell their land below its fair value and to emigrate. Beginning in 1991, ethnic Nepalese began to leave southern areas of the country in large numbers and take refuge in Nepal. Many ethnic Nepalese claimed they also were forced to sign "voluntary migration forms" and leave the country, after local officials threatened to fine or imprison them for failing to comply. According to UNHCR, there were 102,800 ethnic Nepalese refugees in seven refugee camps in eastern Nepal as of De-

cember. An additional 15,000 refugees, according to UNHCR estimates, were living outside the camps in Nepal and India.

Ethnic Nepalese political groups in exile complain that the revision of the country's citizenship laws in 1985 denaturalized tens of thousands of former residents of the country. They also complained that the new laws have been applied selectively and made unfair demands for documentation on a largely illiterate group when the country only recently adopted basic administrative procedures. They claimed that many ethnic Nepalese whose families have been in the country for generations were expelled because they were unable to document their claims to residence. The Government denies this and asserts that a three-member village committee, typically ethnic Nepalese in southern districts, certifies in writing that a resident is a citizen in cases where documents cannot be produced.

Since 1994 there have been a series of negotiations between Nepal and Bhutan to resolve the Bhutanese refugee problem. In December 2000, the two countries agreed upon a system to verify the Bhutanese refugees in Nepal in preparation for their return to the country. Refugee verifications began in March 2001. By December 2001, all the residents of the first camp had been interviewed, and the Bhutanese verification team went back to Thimphu pending the start of verification at the next camp. Refugee groups are concerned that at the present rate, verification will take several years. Bilateral negotiations on repatriation issues in November 2001 failed to arrive at an agreement, and the matter was deferred to a proposed future session of ministerial-level talks. The talks' earlier lack of progress frustrated refugees, and some held "peace marches" to protest their plight.

The UNHCR monitored the conditions of the Bhutanese refugees in camps in eastern Nepal and provided for their basic needs. U.N. officials, diplomats and NGO representative visitors to the camps had described conditions as generally very good, largely as a result of efficient UNHCR administration, conscientious government oversight and the refugees taking responsibility for their surroundings. However, there were reports by refugee women and children that some of the Bhutanese refugee workers at the camps had committed sexual assault. The UNHCR responded by conducting an investigation and the Government of Nepal provided more police protection to the camps.

The Government contended that many of the documents presented by refugees in the camps were fraudulent. NGOs claimed that these assertions by the Government represented an attempt to eliminate the majority of the refugees from qualifying as citizens.

In 1998 the Government expanded its program of resettling Buddhist Bhutanese from other regions of the country on land in the southern part of the country vacated by the ethnic Nepalese living in refugee camps in Nepal. Human rights groups maintained that this action prejudices any eventual outcome of negotiations over the return of the refugees to the country. The Government maintained that citizens who are ethnic Nepalese from the south sometimes were resettled on more fertile land in other parts of the country. The failure of the Government to permit the return of ethnic Nepalese refugees has tended to reinforce societal prejudices against this group, as has the Government's policy on the forced retirement of refugee family members in government service and the resettlement of Buddhists on land vacated by expelled ethnic Nepalese in the south.

Section 6. Worker Rights

a. The Right of Association.—Trade unions were not permitted, and there were no labor unions. The Government maintained that, with very little industrialization, there was little labor to be organized.

b. The Right to Organize and Bargain Collectively.—There was no collective bargaining in industry. Workers did not have the right to strike, and the Government was not a member of the International Labor Organization (ILO). Industry accounted for approximately 25 percent of the GDP, but employed only a minute fraction of the total work force. The Government affected wages in the manufacturing sector through its control over wages in state-owned industries.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced or bonded labor, and there were no reports that such practices occurred. However, mandatory national service was practiced. Agricultural workers were required to work in state service for 15 days per year. NGOs stated that this practice was administered selectively. For instance, NGOs believe the practice often selected poor agricultural workers at the height of their harvesting season. There was no evidence to suggest that domestic workers were subjected to coerced or bonded labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets the minimum age for employment at 18 years for citizens and 20 years for noncitizens. A UNICEF study suggested that children as young as 11 years sometimes are employed with roadbuilding teams, which usually were made up of non-citizen guest workers. Children often do agricultural work and chores on family farms. The law specifically does not prohibit forced and bonded labor by children, but there were no reports that such practices occurred. The country has not ratified ILO Convention 182 on preventing the Worst Forms of Child Labor; however, as a state party to the U.N. Convention on the Rights of the Child, the Government supports the provisions contained therein. The country lacks a large pool of ready labor; for major projects, such as road works, the Government brings in hired laborers from India.

e. Acceptable Conditions of Work.—A circular that went into effect in 1994 established wage rates, rules and regulations for labor recruiting agencies, and the regulations for payment of worker's compensation. Wage rates were revised periodically, and range upward from a minimum of roughly $2.50 (100 ngultrums) per day plus various allowances paid in cash or kind. This minimum wage provided a decent standard of living for a worker and family. The workday was defined as 8 hours with a 1-hour lunch break. Work in excess of this must be paid at one and one-half times normal rates. Workers paid on a monthly basis are entitled to 1 day's paid leave for 6 days of work and 15 days of leave annually. The largest salaried work force was the Government service, which has an administered wage structure last revised in 1988 but supplemented by special allowances and increases. The last such increase was in 1999. According to the latest Census of Manufacturing Industries, only 38 industrial establishments employed more than 50 workers. Smaller industrial units included 39 plants of medium size, 345 small units, 832 cottage industry units, and 2,154 "mini" units. The Government favored family-owned farms. Land laws prohibited a farmer from selling his or her last 5 acres and required the sale of holdings in excess of 25 acres. This, along with the country's rugged geography, results in a predominantly self-employed agricultural workforce. Workers were entitled to free medical care within the country. Cases that cannot be dealt with in the country were flown to other countries (usually India) for treatment. Workers were eligible for compensation for partial or total disability, and in the event of death their families were entitled to compensation. Existing labor regulations did not grant workers the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

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

INDIA

India is a longstanding parliamentary democracy with a bicameral parliament. Prime Minister Atal Bihari Vajpayee, whose Bharatiya Janata Party (BJP) leads a multi party coalition, heads the Government. President A.P.J. Abdul Kalam, who was elected in July by an electoral college consisting of Members of Parliament and members of state assemblies, is Head of State and also has special emergency powers. State Assembly elections held earlier in the year in Uttar Pradesh, Punjab, Uttaranchal, Manipur, and Goa were conducted generally in a free and transparent manner with little violence. In December elections were held in Gujarat where the BJP won a closely watched election following accusations of government failure to control riots in February to March that killed over 2,000 persons, mostly Muslims. The judiciary is independent.

Although the 28 state governments have primary responsibility for maintaining law and order, the central government provides guidance and support through the use of paramilitary forces throughout the country. The Union Ministry for Home Affairs controls most of the paramilitary forces, the internal intelligence bureaus, and the nationwide police service; it provides training for senior police officers of the state-organized police forces. The armed forces are under civilian control. Members of the security forces committed numerous serious human rights abuses.

The country is in transition from a government-controlled to a largely market-oriented economy. The private sector is predominant in agriculture, most nonfinancial services, consumer goods manufacturing, and some heavy industrial sectors. Economic liberalization and structural reforms begun in 1991 continued, although momentum slowed. The country's economic problems were compounded by a population growth rate of 1.7 percent annually and a population of more than 1.2 billion. In-

come distribution remained very unequal, with the top 20 percent of the population receiving 34.4 percent of national income and the bottom 20 percent receiving 10 percent. According to a government survey, 23.6 percent of the urban population and 27.1 percent of the rural population lived below the poverty level.

The Government generally respected the human rights of its citizens; however, numerous serious problems remained. Significant human rights abuses included: Extrajudicial killings, including faked encounter killings, deaths of suspects in police custody throughout the country, and excessive use of force by security forces combating active insurgencies in Jammu and Kashmir and several northeastern states; torture and rape by police and other agents of the Government; poor prison conditions; arbitrary arrest and incommunicado detention in Jammu and Kashmir and the northeast; continued detention throughout the country of thousands arrested under special security legislation; lengthy pretrial detention without charge; prolonged detention while undergoing trial; occasional limits on freedom of the press and freedom of movement; harassment and arrest of human rights monitors; extensive societal violence against women; legal and societal discrimination against women; forced prostitution; child prostitution and female infanticide; discrimination against persons with disabilities; serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; religiously motivated violence against Muslims and Christians; widespread exploitation of indentured, bonded, and child labor; and trafficking in women and children. India was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

Many of these abuses are generated by a traditionally hierarchical social structure, deeply rooted tensions among the country's many ethnic and religious communities, violent secessionist movements and the authorities' attempts to repress them, and deficient police methods and training. These problems are acute in Jammu and Kashmir, where judicial tolerance of the Government's heavy-handed counterinsurgency tactics, the refusal of security forces to obey court orders, and terrorist threats have disrupted the judicial system. In the northeast, there was no clear decrease in the number of killings, despite negotiated ceasefires between the Government and some insurgent forces and between some tribal groups.

In November State Assembly elections in Jammu and Kashmir transferred power to a coalition composed of the People's Democratic Party and the Congress Party. International observers stated that the election took place in a somewhat fair and transparent manner; however, some nongovernmental organizations (NGOs) alleged that there were some flaws in the election, including that all major separatist groups boycotted the elections and there was an widespread fear of attacks by militants. These two parties defeated the National Conference, a political party that has dominated state-level politics since Indian independence in 1947. Violence remained a pervasive feature of politics in Jammu and Kashmir. The fall elections took place in a climate of sporadic violence and isolated irregularities. Election-related violence killed more than 800 persons.

Terrorist attacks remained problems. The concerted campaign of execution-style killings of civilians by Kashmiri and foreign-based militant groups continued and included several killings of political leaders and party workers. Separatist militants were responsible for numerous, serious abuses, including killing of armed forces personnel, police, government officials, and civilians; torture; rape; and other forms of brutality. Separatist militants also were responsible for kidnaping and extortion in Jammu and Kashmir and the northeastern states. The Government accused the terrorist groups Lashkar-e-Tayyiba (LET) and Jaish-e-Muhammad of responsibility for carrying out many of the attacks on civilians and military personnel.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Arbitrary and unlawful deprivations of life by government forces (including deaths in custody and faked encounter killings) continued to occur frequently in the State of Jammu and Kashmir and in several northeastern states, where separatist insurgencies continued. Security forces offered bounties for wanted militants. Extrajudicial killings of criminals and suspected criminals by police or prison officers also occurred in a number of states. Militant groups active in Jammu and Kashmir, several northeast states, and parts of Andhra Pradesh, killed members of rival factions, government security forces, government officials, and civilians.

Official government figures indicated that militant activity increased notably during the year in Jammu and Kashmir. (Kashmir has been at the center of a terri-

torial dispute between India and Pakistan since the two nations gained their independence in 1947; both claim Kashmir.) According to the Kashmir Times, security forces killed 1,606 militants in encounters as of September, compared with 1,520 militants killed during the same period in 2000. In addition, human rights groups alleged that during the year security forces killed a number of captured non-Kashmiri militants in Jammu and Kashmir. During conflicts with armed militants, security forces allegedly responded indiscriminately to gunfire. Kashmiri separatist groups claimed that in many instances "encounters" were faked and that security forces summarily executed suspected militants and civilians offering no resistance. Statements by senior police and army officials confirmed that the security forces were under instructions to kill foreign militants, rather than attempt to capture them alive. Human rights groups alleged that this particularly was true in the case of security force encounters with non-Kashmiri militants who crossed into Jammu and Kashmir illegally. According to one prominent human rights activist, the armed forces were under orders to shoot any person who was within 12 miles of the Line of Control (the ceasefire line delineating parts of India from Pakistan in Jammu and Kashmir) or to shoot any person who was unable to quickly justify their presence in the area.

According to press reports and anecdotal accounts, persons killed in disputed encounters typically were detained by security forces, and their bodies, often bearing multiple bullet wounds and often marks of torture, were returned to relatives or otherwise were discovered shortly afterwards. For example, in January Ali Muhammad Bhat was beaten, shot, and killed allegedly in retribution for filing a complaint against the security forces. In March Mubarak Shah and his wife were killed in Dushar Gool. Security forces allegedly detained the pair a few days before they were killed.

In December in Srinigar Mohammad Ahsan Untoo, chairman of the Kashmir Human Rights forum, protested human rights violations by security forces in Kashmir, by dousing himself in kerosene and lighting himself on fire.

There reportedly was no action taken against members of the security forces responsible for the following killings in Jammu and Kashmir: The February 2001 "encounter" killing of Azam Ali in Nalgonda; the May 2001 alleged custody killing of Aijaz Ahmad Kitab; the January 2000 alleged custody killing of Mohammad Tahir Shah; the March 2000 alleged custody killing of Gulab Muhammad Chechi.

According to local press reports, the number of persons killed in encounter deaths varied widely throughout the country. In Delhi there were eight reported encounter deaths; in Chennai there were six; in Gujarat there were three. However, in Uttar Pradesh, there were 260; in Bihar there were 68, and in Mumbai there were 47.

The National Human Rights Commission (NHRC), called for all alleged encounter deaths to be investigated immediately by an independent agency; however, such an agency was not established during the year. In addition, members of the security forces rarely were held accountable for these killings. The NHRC may inquire into alleged security force abuses in Jammu and Kashmir but does not have the statutory power to investigate such allegations. Human rights activists maintained that the Government increasingly substituted financial compensation to victims' families for punishment of those found guilty of illegal conduct. In an overwhelming majority of cases where compensation was recommended, it never was delivered. In some cases, victims or victims' families distrusted the military judicial system and petitioned to transfer a particular case from a military to a civil court. The authorities generally did not report encounter deaths that occurred in Jammu and Kashmir to the NHRC; however, private citizens informed the Commission of various abuses.

The security forces killed many civilians during military counterinsurgency operations in Jammu and Kashmir. For example, in October security forces killed nine persons following a gun battle between militants and security officials in Kashmir.

The Armed Forces Special Powers Act and the Disturbed Areas Act remained in effect in several states in which active secessionist movements exist, namely, in Jammu and Kashmir, Nagaland, Manipur, Assam, and parts of Tripura. The Disturbed Areas Act gives police extraordinary powers of arrest and detention, which, according to human rights groups, allowed security forces to operate with virtual impunity in areas under the act. The Armed Forces Special Powers Act provides search and arrest powers without warrants (*see* Section 1.d.).

Accountability remained a serious problem in Jammu and Kashmir. Security forces committed thousands of serious human rights violations over the course of the conflict, including extrajudicial killings, disappearances, and torture (*see* Sections 1.b. and 1.c.). Despite this record of abuse, only a few hundred members of the security forces have been prosecuted and punished since 1990 for human rights violations or other crimes. Punishments ranged from reduction in rank to imprisonment for up to 10 years.

In order to get greater accountability for abuses committed by security forces members in Jammu and Kashmir, the NHRC recommended that the Government allow the NHRC to investigate complaints of the army and paramilitary forces excesses; however, the Government decided that the paramilitary forces were part of the armed forces. As such, paramilitary forces were protected from investigation by the NHRC and from criminal prosecution for certain acts under various emergency statutes. Under the Human Rights Protection Act, the NHRC cannot directly investigate allegations of human rights abuses by the armed and paramilitary forces.

Violence, often resulting in deaths, was a pervasive element in Jammu and Kashmir politics (*see* Section 3). According to the Jammu and Kashmir Director General of Police, shootings, explosions, and suicide attacks during the election killed more than 800 persons. More than 260 civilians, 250 security personnel, and 370 militants were killed in politically motivated violence during the year. For example, between August and October militants killed 44 persons from the National Conference Party, Congress Party, People's Democratic Party and independent activists and two candidates, Jammu and Kashmir Law Minister Mushtaq Ahmed Lone and Abdul Rehman. Supporters of different political parties, and supporters of different factions within one party, frequently clashed with each other and with police during the election.

There were many allegations that military and paramilitary forces engaged in abduction, torture, rape, arbitrary detention, and the extrajudicial killing of militants and noncombatant civilians, particularly in areas of insurgencies (*see* Sections 1.b., 1.c., 1.d., and 1.g.). The majority of complaints during the year involved individual cases; while there had been complaints of individual houses being destroyed, there were no reports of entire villages being burned by armed forces or of mass killings, as in past years. Human rights groups alleged that police often faked encounters to cover up the torture and subsequent killing of both militants and noncombatants. For example, in May police arrested Bhujangrao Bhandari in Nerul. Police asserted that Bhandari had hung himself; however, since Bhandari only had one arm, human rights observers said the police version lacked credibility. By year's end, no inquiry had been ordered in Bhandari's case. The number of persons killed and injured in militant violence in the northeastern states was significant but was much lower than the numbers killed in similar violence in Kashmir. The Home Ministry reported that during 2001, 107 members of the security forces, 429 civilians, and 517 militants were killed in the northeast. According to India Today, deaths in Mumbai in police encounters from January to July were 39, compared with 92 in 2001. Numerous incidents of encounters involving security forces and militant organizations such as the United Liberation Front of Assam (ULFA), the National Democratic Front of Bodoland (NDFB), and the United People's Democratic Solidarity (UPDS) continued. For example, on October 30 in Guwahati two militants allegedly involved in a mortar attack on Dispur on October 27 were killed by state police. An investigation by the Assam Human Rights Commission resulted in the transfer of two senior police officials. In November police shot and killed two men they claimed were Pakistani terrorists. A witness challenged the police account of the shooting, alleged the encounter was fake, and later filed a petition in the Delhi High Court seeking an independent inquiry into the incident. At year's end, the witness claimed that the Government put pressure on him to change his statement.

No action reportedly was taken by the Chief Minister of Andhra Pradesh in the 2001 killing of Azam Ali or Purushotham. The Andhra Pradesh Civil Liberties Commission (APCLC) believed that the police, not the PWG, were involved in the killings. In 2001 Amnesty International (AI) had asked the Chief Minister of Andhra Pradesh to order an impartial investigation into the killing of Purushotham and Azam Ali. There were no reports of any action taken against the responsible members of the police who killed six PWG activists and one civilian in June 2001.

The NHRC investigated 285 reported cases of encounter deaths allegedly committed by the Andhra Pradesh police in connection with anti-People's War Group (PWG) operations. According to the Andhra Pradesh Civil Liberties Committee, the NHRC had evidence of police culpability in several cases. However, such cases had not been adjudicated in the courts or otherwise acted on by the state government. The Government's failure to act expeditiously on NHRC findings discouraged local human rights groups from filing additional encounter death cases with the NHRC. As evidence that encounters often were faked by police, human rights groups cited the refusal of police officials to turn over the bodies of suspects killed. The bodies often were cremated before families could view them. The trial continued in the 2001 NHRC investigation of 285 reported cases of encounter deaths allegedly committed by the Andhra Pradesh police in connection with anti-PWG operations.

In Andhra Pradesh, the Disturbed Areas Act had been in force in a number of districts for more than 4 years. Human rights groups alleged that security forces

were able to operate with virtual impunity under the act. They further alleged that Andhra Pradesh police officers trained and provided weapons to an armed vigilante group known as the "Green Tigers," whose mission was to combat the Naxalite group in the state. In November, two alleged LTTE terrorists were killed by the police in Tamil Nadu. Little was known about the size, composition, or activities of this group.

Court action in cases of extrajudicial killings was slow and uncertain. In one case, Army Major Avtar Singh was arrested in 1998 for the 1996 killing of human rights monitor Jalil Andrabi in Kashmir. Singh and 11 countermilitants were charged with Andrabi's killing and 10 other unlawful killings. Criminal charges and a court martial still were pending against Singh at year's end. Human rights workers alleged that the central government and the Jammu and Kashmir state government both attempted to subvert the judicial process by withholding evidence in the case. There were no developments in the 1996 killing of human rights monitor Parag Kumar Das, who allegedly was killed by a militant who previously had surrendered and was supported by the Government.

Police frequently used excessive force indiscriminately against demonstrators, killing citizens (*see* Section 2.b.).

In July the Supreme Court ordered regular checks on police stations to ascertain the incidence of custodial violence against persons. The Court directed state human rights commissions and other civic rights protection committees to conduct surprise checks. These checks were conducted in a small number of police stations in the States of Madhya Pradesh and West Bengal.

Deaths in custody were common both for suspected militants and other criminals. According to the NHRC, there were 1,305 reported deaths in custody nationwide during 2001, the latest year for which data were available. Many died from natural causes aggravated by poor prison conditions (*see* Section 1.c.).

For example, in April Karna Chetri was found dead in the Sardar Police Station in Assam following a reported scuffle and a bullet injury. In May several police officers reportedly beat to death a retired police officer at the Gauripur police station in Guwahati, Assam. The retired police office had entered the station to seek the release of his son who had been arrested for reckless driving. The son was also tortured by the police, but no one was held accountable. In May police detained and beat to death Amit Arora at the police station in Jaipur, Rajasthan. Arora reportedly had planned to expose a corrupt police unit in Jaipur. Citizens protested local police after police denied the death. The police ordered an inquiry into the death, filed charges against some of police responsible, and transferred 37 police officers to another station by year's end. In August the police detained a member of the CPI (ML) in Janashakti under suspicion of Naxalite activities. When he was taken to the hospital one day later, doctors declared that he had died in custody. After an investigation by the police, the Andhra Pradesh Home Minister Goud ordered the installation of video cameras in jails; however, by year's end the order had not been implemented.

The NHRC focused on torture and deaths in custody by directing district magistrates to report all deaths in police and judicial custody to the commission and stating that failure to do so would be interpreted as an attempted coverup. Magistrates appeared to be complying with this directive, although states varied in their adherence to NHRC directives on custodial deaths. However, security forces were not required to report custodial deaths in Jammu and Kashmir or the northeastern states to the NHRC and did not do so. The final Criminal Investigation Department report of Uttar Pradesh concluded that the cause of Ram Kishore's 1993 death was natural, due to heart problems. There reportedly was no action taken or formal investigation into the July 2001 death of the Masood in Jammu and Kashmir. In addition, there was no report from the Home Ministry and Defense Ministry regarding media reports of custodial deaths, which the NHRC requested in 2001.

During the year, some state governments took some measures regarding custodial deaths. Following NHRC guidelines, in 2001 the state government of Maharashtra mandated automatic post-mortem examinations and inquiries by a magistrate following all cases of custodial deaths. The district jail in Pune, the state's second largest city, became the first in the country to adopt video-conferencing to help magistrates determine the health and well-being of persons in judicial custody (*see* Section 1.c.).

In Bihar the NHRC recorded 144 custodial deaths in its 2001–2002 reporting period. According to the NHRC, the Bihar government had not been responsive to NHRC directives and reports addressing police training and accountability. However, the Bihar Inspector General of Prisons reportedly stated that of the 144 cases, only 15 were "unnatural deaths." Human rights sources claimed that the number was higher. The NHRC Chairperson stated that Bihar had the second highest num-

ber of human rights violations in the country, and it had not yet formed a State Human Rights Commission.

Killings and abductions of suspected militants and other persons by progovernment countermilitants continued to be a significant problem in Jammu and Kashmir. Countermilitants were members of police auxiliary units consisting of former separatists who surrendered to government forces, but who retained their weapons and paramilitary organization. Government agencies funded, exchanged intelligence with, and directed the operations of countermilitants as part of the counterinsurgency effort. The Government also recruited countermilitants into the Special Operations Group of the Jammu and Kashmir police and into the Border Security Force. Countermilitants were known to search persons at roadblocks (*see* Section 2.d.) and guard large areas of the Kashmir Valley from attacks by militants. The Government, through its sponsoring and condoning of extrajudicial countermilitant activities, was responsible for killings, abductions, and other abuses committed by these militant groups. According to a 2000 estimate, as many as 3,000 countermilitants continued to operate in Jammu and Kashmir, particularly in the countryside, outside major towns.

Insurgency and ethnic violence was a problem in the seven northeastern states. The main insurgent groups in the northeast included two factions of the National Socialist Council of Nagaland (NSCN) in Nagaland; Meitei extremists in Manipur; the ULFA and the Bodo security forces in Assam; and the All Tripura Tiger Force (ATTF) and the National Liberation Front of Tripura (NLFT) in Tripura. The proclaimed objective of many of these groups was to secede from the country. Their stated grievances against the Government ranged from charges of neglect and indifference to the widespread poverty of the region to allegations of active discrimination against the tribal and nontribal people of the region by the central government (*see* Section 5). The oldest of these conflicts, involving the Nagas, dates back to the country's independence in 1947. During the year, talks continued between various insurgent groups and central and state government officials. In July the Government and the National Socialist Council of Nagaland-Isaac and Muivah (NSCN-IM) announced the extension of the unilateral August 2001 cease-fire, which was extended until August 2003. The talks between the Government and the NSCN-IM continued when representatives of the two met in Malaysia. Subsequently, the talks also led to the withdrawal of arrest warrants against NSCN-IM leaders by the Nagaland Chief Minister. Unlike in previous years, the Government's extended cease-fire was not resisted in Manipur, Assam, and Arunachal Pradesh, and there were no reports of protests as a result of the continued cease-fire.

Surrenders by militants in the northeast, often under government incentive programs, were common in recent years. Surrendered militants usually were given a resettlement and retraining allowance and other assistance. In Andhra Pradesh, the state government offered a financial package to surrendered PWG militants, a program that prompted hundreds of Naxalites to leave the movement in recent years. According to human rights activists and journalists, a few surrendered militants were allowed to retain their weapons and were working for the police as anti-PWG officers, residing in police camps and barracks. Human rights groups alleged that police used former militants to kill Naxalites and human rights activists with close links to the PWG, although police attributed such killings to internal feuds within the PWG. Several hundred PWG militants surrendered during the year.

In Tripura a systematic surrender of arms by a faction of NLFT insurgents and NLFT fringe groups was due to the increased security pressure and to infighting within NLFT insurgent ranks. Since 2000 a few hundred militants surrendered in small groups to the security forces, handing in their weapons.

The killings of ULFA leaders' family members during the year renewed concerns about the situation in Assam. On January 4, unidentified assailants shot and killed three relatives of two ULFA militants, including two relatives of ULFA deputy commander in chief Raju Baruah. In addition, ULFA militants killed Avinash Bordoloi and two other surrendered ULFAs in Nalbari district. On June 25, five tribal militants were killed and several were injured during a series of encounters between NLFT and ATTF at Takarjala in Tripura. More than 87,000 persons lived under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals (*see* Section 2.d.).

Militant groups in Manipur, Tripura, and Assam continued to attack civilians. For example, in April four tribals were killed after they had been abducted by NLFT militants in West Bengal's Takajala area. In June two Gorkha Rifles personnel were killed, and five others were injured by NSCN (IM) militants. In August NLFT killed four CPM activists in Kanchanpur, Tripura. On October 27, NDFB militants killed 22 villagers in Datgiri in Assam's Kokerahjar district.

In Assam 97 civilians, 206 militants, and 25 security force personnel were killed in clashes with militants during 2001.

In Manipur 25 civilians, 72 militants, and 34 security force personnel were killed in clashes with militants during the year. The Manipur government declared a month-long ceasefire with militants in March 2001, but numerous persons were killed in counterinsurgency incidents after the ceasefire went into effect. In Manipur 18 militant groups reportedly were active, including outlawed Meitei organizations.

In Tripura separatist-related violence continued and resulted in the deaths of 73 civilians, 28 militants, and 30 security force personnel.

In Nagaland 2 civilians, 13 militants, and 2 security force personnel were killed in clashes with militants during the year. Throughout the year, talks continued between various Naga separatists and central and state government officials. In November the Government decided now to renew a ban on the Naga group, NSCN-IM, in anticipation of talks with the NSCN-IM. The Government's continued negotiations with Naga separatists over a cease-fire caused significant unrest in Nagaland and in neighboring states.

In the north-central states of Bihar, Jharkhand, Orissa, and West Bengal, clashes between police officers and PWG continued. For instance, in January PWG members detonated a bomb in Gumla district, which killed 11 persons, including 9 policemen. On November 19, PWG members detonated a bomb on a bus in Andhra Pradesh, which killed 14 persons. On December 26, PWG members attacked a village and killed seven persons, including women and children. The police sometimes responded with violence; for example, in January 2001, an activist of the Communist Party of India Liberation Front was killed and five others injured police fired on a procession of the Naxalite party in Gaya district of Bihar (*see* Section 2.b.). According to police, 82 Naxalites were killed in armed encounters during the year. Twenty years of guerrilla-style conflict between state authorities and Naxalites led to serious human rights abuses committed by both sides.

Killings of security force members by militants in Jammu and Kashmir increased for the fourth year in a row. According to official statistics, 181 security force personnel were killed in the state during the year.

During the year, militant groups in Jammu and Kashmir targeted civilians, members of the security forces, and politicians. According to the Minister of State for Home, militants had killed 907 civilians as of November 15, compared with 996 in 2001. For example, in two separate attacks in May and November, terrorists entered Hindu Raghunath Temple and killed 25 persons. On May 15, 30 persons were killed and 48 injured by militants in Kaluchak when gunmen opened fire on a bus and stormed an army camp. In May militants killed moderate Kashmiri separatist leader Abdul Gani Lone at a political meeting in Srinagar. The militant group Al-Badr claimed responsibility for the Abdul Gani killing. In June three policemen were killed and several injured by militants in Srinagar. On July 14, militants killed 28 persons in Rajiv Nagar slum area in Jammu. In August 9 Hindu pilgrims were killed and 30 injured by militants in Pahalgam during the annual Amarnath Yatra (*see* Section 2.c.). In November six members of the India's Central Reserve Police Force were killed and nine injured by two militants in a suicide attack on a police camp in Kashmir. On December 20, Abdul Aziz Mir, a People's Democratic Party member of the state assembly, was killed by militants while returning home from Friday prayers. The militant group Save Kashmir Movement claimed responsibility for the Abdul Aziz Mir killing.

There reportedly was no action taken against the responsible militants in the following cases: The January 2001 killing of two civilians on the Kashmir airport; the January 2001 grenade attack on Farooq Abdullah in Srinagar; the November 2001 killing of four soldiers by LET terrorists in Anantnag District; the August 2000 killing of six Hindu villagers in Jammu. However, in the December 2000 killing of a soldier and two civilians at Delhi's Red Fort, a trial was ongoing and has resulted in one conviction to date.

Nearly 800 persons were killed and 500 civilians were injured in violence related to the October Jammu and Kashmir Legislative Assembly polls (*see* Sections 1.g. and 4).

Religious and ethnically motivated violence caused numerous deaths, and there were reports that government agents encouraged this behavior (*see* Section 5).

Mob lynchings of tribal people occurred in many states (*see* Section 5).

b. Disappearance.—According to human rights groups, unacknowledged, incommunicado detention of suspected militants continued in Jammu and Kashmir. In October 2001, the Government of Jammu and Kashmir stated that during the last 6 years, 2,250 persons were reported missing. The state government claimed that most of those who disappeared were young men who crossed into Pakistan-controlled Kashmir for training in terrorist camps.

According to the Kashmir Times, 152 militants were arrested between January and November. In comparison, according to the Ministry of Home Affairs, 645 suspected militants were arrested in 2000. Human rights organizations alleged that the decline in the number of militants arrested was consistent with reports that security forces were killing many militants captured in encounters (*see* Section 1.a.); that pattern continued during the year. According to an AI report released in 2000, there have been between 700 and 800 unsolved disappearances in Kashmir since 1990. In the northeastern states, the Government was unable to provide complete statistics for the number of persons held under special security laws, but acknowledged that 43 persons were in detention under the National Security Act as of 1998. Although the Government allowed the Terrorist and Disruptive Practices (Prevention) Act (TADA) to lapse in 1995, one human right organization credibly reported that more than 1,000 persons remained in detention awaiting prosecution under the law. Several thousand others are held in short-term (1-day to 6 months' duration) confinement in transit and interrogation centers.

In June in Rawalapora numerous persons gathered to protest the alleged custodial disappearance of Manzoor Ahmad Dar. Dar allegedly was detained by Special Operations Group (SOG) of the Jammu and Kashmir police. Later in the year, the police admitted involvement; however, they denied any claim that the disappearance was the work of the security forces.

There were no developments in the case of Chundrakpam Ongabi Sumila's husband, who was abducted in May 2001 by suspected Assam Rifles. In addition, there were no developments in the February 2000 disappearance of M. Akbar Tantray.

Human rights groups maintained that in Jammu and Kashmir and in the northeastern states several hundred persons were held by the military and paramilitary forces in long term unacknowledged detention in interrogation centers and transit camps that nominally were intended only for short term confinement. Human rights groups feared that many of these unacknowledged prisoners were subjected to torture and extrajudicial killing (*see* Sections 1.a. and 1.c.). In August 2000, AI reported that the disappearances of up to 1,000 persons reported missing in Jammu and Kashmir since 1990 remained unexplained by authorities.

The Government maintained that screening committees administered by the state governments provided information about detainees to their families. However, other sources indicated that families were able to confirm the detention of their relatives only by bribing prison guards. In November the state government of Jammu and Kashmir responded to this problem by installing a screening system to review old detention cases and released numerous detainees (*see* Section 1.d.).

In Punjab the pattern of disappearances prevalent in the early 1990s appeared to have ended. Hundreds of police and security officials were not held accountable for serious human rights abuses committed there during the counterinsurgency of 1984–94. The Central Bureau of Investigation (CBI) claimed to be pursuing actively charges against dozens of police officials implicated in the "mass cremations" in which police in Amritsar, Patti, and Tarn Taran district secretly disposed of approximately 2,000 bodies of suspected militants. The militants were believed to have been abducted, extrajudicially executed, and cremated without the knowledge or consent of their families. During the year, the NHRC examined the cases of 585 fully identified bodies to ascertain whether police officers had been responsible for the deaths or for any human rights violation; however, the Government continued to challenge the NHRC's jurisdiction in the cases. By year's end, no significant progress was made in identifying the cremated bodies or bringing to justice those responsible for the killings. These numbers demonstrated the extent of the violence during those years and, given the pattern of police abuses prevalent during the period, credibly included many persons killed in extrajudicial executions. In 1998 former Justice Singh announced that the Committee for the Coordination on Disappearances in Punjab (CCDP) would form a three-member commission to investigate the mass cremations. The Commission met with inaction on the part of the authorities and made little progress during the year (*see* Section 4).

AI expressed concern that Punjab police officials continued to obstruct the judicial inquiry into the death of human rights monitor Jaswant Singh Khalra. During the year, the case was scheduled for recording evidence in a Session court; however, by the time evidence started to be recorded in November, a key witness denied having been witness to Khalra's disappearance into police custody. Before his death, Khalra was investigating the cremation of unidentified bodies by Tarn Taran police. These and other events prompted extended public debate over the accountability of Punjab police for abuses committed while suppressing a violent insurgency. According to human rights monitors in Punjab, approximately 100 police officials either faced charges, were prosecuted, or were under investigation for human rights abuses at year's end.

There were credible reports that police throughout the country often did not file required arrest reports. As a result, there were hundreds of unsolved disappearances in which relatives claimed that an individual was taken into police custody and never heard from again. Police usually denied these claims, countering that there were no records of arrest. There were no developments in the 2001 cases of the four persons arrested without an arrest memo and held by Border Security Force (BSF) officers in Churachandpur district.

In Manipur 14-year-old Yumlembam Sanamacha has been missing ever since soldiers arrested him in 1998. During the year, there was a judicial review into the Sanamacha case, and the family was awarded compensation from the state government of $6,250 (RS 300,000); however, by year's end, the award had not been given to the family.

Militants in Jammu and Kashmir and the northeastern states continued to use kidnapings to terrorize the population, seek the release of detained comrades, and extort funds. Sometimes kidnaped persons later were killed (*see* Sections 1.a. and 1.g.). There were 211 reported kidnapings in the northeastern states during the year. For example, on September 1, suspected NLFT militants abducted an 8-year-old boy from a village in Dhalai district, Tripura. On December 19, NLFT militants abducted three sons of a local level leader in the same district.

During the year, there were no developments in the following 2001 cases of kidnapings by militants: The January kidnaping of a CPM worker from Dhalai district; the July kidnaping of Parthapratim Roy Burman; the August kidnaping of Sambhu Nath and Ram Avtar Chakravarty in south Assam; the August kidnaping of six persons from Rangrung tea estate in North Tripura; the August kidnaping of seven Hindu youths in the Rajouri district of the Kashmir valley in Jammu and Kashmir; and the August kidnaping of a group of Hindu shepherds in Doda district.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture, and confessions extracted by force generally are inadmissible in court; however, authorities often used torture during interrogations. In other instances, authorities tortured detainees to extort money and sometimes as summary punishment.

The U.N. Special Rapporteur on Torture reported that the security forces systematically tortured persons in Jammu and Kashmir to coerce confessions to militant activity, to reveal information about suspected militants, or to inflict punishment for suspected support or sympathy with militants. Information was not made public regarding any instances of action taken against security force personnel in Jammu and Kashmir for acts of torture.

In June members of the security forces tortured and killed the brother of an alleged terrorist from Kupwara. Police alleged the victim died in a skirmish while he was leading them to a terrorist hideout. There were no reports of an investigations by year's end. There were no developments in the following 2001 cases: The February torture of a man from Surankot; the torture of Gulzar Ahmad Ganie; or the death of students Shiraz Ahmad Khan and Syed Malik.

The U.N. Special Rapporteur on Torture noted that methods of torture included beating, rape, crushing the leg muscles with a wooden roller, burning with heated objects, and electric shocks. Because many alleged torture victims died in custody, and others were afraid to speak out, there were few firsthand accounts, although marks of torture often were found on the bodies of deceased detainees. Unlike in the previous year, the Home Ministry did not extend an invitation to the U.N. Special Rapporteurs on Torture and on Extrajudicial Killings or the Special Rapporteur on Extrajudicial killings.

The prevalence of torture by police in detention facilities throughout the country was reflected in the number of cases of deaths in police custody (*see* Section 1.a.). New Delhi's Tihar jail was notorious for the mistreatment of prisoners, with approximately 10 percent of custodial deaths occurring there. Police and jailers typically assaulted new prisoners for money and personal articles. In addition, police commonly tortured detainees during custodial interrogation. Although police officers were subject to prosecution for such offenses under the Penal Code, the Government often failed to hold them accountable. According to AI, torture usually takes place under two contexts: In the course of regular criminal investigations and following unlawful and arbitrary arrests. For example, during criminal investigation police frequently resorted to torture to extract information from suspects while in custody, and legislation was reported to be misused during which torture frequently took place. There were no developments in the 2001 case of the torture of prisoner Yunus Fakir Mohammad Shaikh.

Police also tortured other citizens. In November a 37-year-old man was arrested by the police in Chennai on charges of belonging to an extremist political organization. According to a local NGO, he was kept in custody for 4 days and tortured. At

year's end, charges had not been filed. In April 2001 a 14-year-old girl allegedly was abducted, tortured with electric shocks, and raped for 6 days by the Patiala police (*see* Sections 1.g. and 5). At year's end, no police officer had been charged.

There also were incidents in which police beat journalists (*see* Section 2.a.), demonstrators (*see* Section 2.b.), and Muslim students (*see* Section 2.c.). Police also committed abuses against tribal people (*see* Section 5).

The rape of persons in custody was part of the broader pattern of custodial abuse. NGOs asserted that rape by police, including custodial rape, was more common than NHRC figures indicated. Although evidence was lacking, a higher incidence of abuse appeared credible, given other evidence of abusive behavior by police and the likelihood that many rapes were unreported due to a sense of shame and a fear of retribution among victims. However, limits placed on the arrest, search, and police custody of women appeared effectively to limit the frequency of rape in custody. In January a tribal woman alleged that she was raped by the head constable in Vaniyyambadi Police Station in Tamil Nadu after being arrested on theft charges.

There reportedly was no action taken against members of the security forces responsible for the following 2001 cases of rape of persons in custody: The October rape of a tribal woman and the rape of Mary Lushai in Dhalai, Tripura. At year's end, the Government had not disciplined or charged the police officers involved in the September 2000 rape of a 16-year-old girl arrested on suspicion of petty theft, despite repeated requests from the court. There were no developments in the July 2000 case of the rape of a tribal housewife in Lamdam village, Manipur by Central Reserve Police Force (CRPF) personnel. The CRPF alleged that the rape was committed in retaliation for an attack carried out on a CRPF patrol by People's Liberation Army militants the previous day (*see* Section 1.g.).

In April a 17-year-old girl alleged three BSF force personnel in Pahalgam raped her. She stated that the BSF forces forced their way into her home and raped her at gunpoint. In April the state ordered an inquiry into the rape.

There was a pattern of rape by paramilitary personnel in Jammu and Kashmir and the northeast as a means of instilling fear among noncombatants in insurgency-affected areas (*see* Section 1.g.), but it was not included in NHRC statistics because it involved the military forces. According to an NGO in Kashmir, there were 200 rapes by paramilitary personnel in 2000. Another NGO reported 10 cases of rape during the year.

The NHRC had not released the statistics of its actions against police during the year.

Some militant groups in the northeast used rape as a tactic to terrorize the populace; however, no cases were known to be reported during the year.

According to press reports, prison officials used prisoners as domestic servants and sold female prisoners to brothels (*see* Sections 5, 6.c., and 6.f.).

In Jammu and Kashmir, torture victims or their relatives reportedly had difficulty in filing complaints because local police were issued instructions not to open a case without permission from higher authorities. In addition, the (Jammu and Kashmir) Special Powers Act provides that unless approval is obtained from the central government, no "prosecution, suit, or other legal proceeding shall be instituted . . . against any person in respect of anything done or purported to be done in exercise of the powers of the act." This provision allowed the security forces to act with virtual impunity.

The Government occasionally used excessive force in putting down demonstrations (*see* Section 2.b.). For example, AI reported that on July 20 police officers beat villagers who resisted police efforts to forcibly evict the villagers from their homes in Madhya Pradesh. AI recounted that approximately 400 police officers reportedly entered Khedi Balwadi and started pulling and dragging persons into vans. If persons tried to resist this police action, they were beaten severely. The villagers were taken to a resettlement site.

The Government also occasionally used excessive force against tribal people. For example, in October police shot at three tribal persons in Orissa. In response to this incident, the Chief Minister suspended the District Superintendent of Police and the Additional District Magistrate. In addition, a three-member ministerial committee was ordered to inquire into the incident. There reportedly were no developments in the investigation of the April 2001 killing of 5 tribal persons in Madhya Pradesh or the March 2001 shooting of a Naxalite in Maraknar.

Police corruption undermined efforts to combat trafficking in women and children (*see* Section 6.f.).

Religiously motivated violence led to a number of deaths and injuries as well as damage to property (*see* Sections 1.a., 1.g., and 5).

Prison conditions were very poor. Prisons were severely overcrowded, and the provision of food and medical care frequently was inadequate.

After a March 30 revolt by inmates in Bihar, the NHRC visited the Chhapra jail to study the circumstances that led to the revolt and subsequently to the Government entering the prison. During and after the Government intervention, six inmates were killed. The result of the study was a NHRC report critical of the jail authorities for continued poor prison conditions.

In April hundreds of prisoners at the Divisional Jail in Bihar went on hunger strike to protest the assault on two of their colleagues by prison staff. The Government held talks with the prisoners. The prisoners demanded action against the officials involved in the assault.

Overcrowding in prisons was common. For example, the Divisional Jail in Bihar had a planned capacity of 212 prisoners but held 750 inmates. Prisons operated above capacity because more than 60 percent of the prison population were persons awaiting hearings (*see* Section 1.d.). In Kashmir persons awaiting hearings made up 90 percent of prison population and in Bihar 80 percent. For example, New Delhi's Tihar jail, with a designed capacity of 3,300 persons, housed 9,000 prisoners. The Chennai Central Prison in Tamil Nadu, designed to hold 1,419 persons, housed more than 3,121 inmates. According to the SAHRDC, in the poorest states, such as Bihar, where 265 police stations had no lockup facilities, the lack of prisons led police to shackle prisoners to trees. The Prison Act remained unamended at year's end.

The 1,140 deaths in judicial custody reported to the NHRC during the year included a large proportion of deaths from natural causes that in some cases were aggravated by poor prison conditions (*see* Section 1.a.). A study conducted by the NHRC found that tuberculosis was the cause of death in most deaths in judicial custody. Deaths in police custody, which typically occurred within hours or days of initial detention, more clearly implied violent abuse and torture. However, in January 2001, the NHRC requested that the Commission be informed of any custodial death within 2 months and that a post-mortem report, magisterial inquest, and a video of the post-mortem be provided to the NHRC.

NGOs were allowed to work in prisons, within specific governmental guidelines. In Kerala and Karnataka, the state governments selectively cleared NGOs to visit prisons. Although custodial abuse is deeply rooted in police practices, increased press reporting and parliamentary questioning provided evidence of growing public awareness of the problem. The NHRC identified torture and deaths in detention as one of its priority concerns.

In September two transgender persons alleged that the Bandra railway police stripped them, locked them with alleged criminals, and encouraged the criminals to molest them. They reportedly were arrested for traveling without a train ticket, which normally merits a cash fine.

In prison, women were housed separately from men in similar conditions. By law juveniles must be detained in rehabilitative facilities; however, at times they were detained in prison, especially in rural areas. Pretrial detainees were not separated from the general prison population.

With the exception of an agreement with the International Committee of the Red Cross (ICRC) for visits to detention facilities in Jammu and Kashmir, the Government did not allow NGOs to monitor prison conditions in those regions (*see* Section 4). However, 15 states and union territories have authorized the NHRC to conduct surprise check-ups on jails. The NHRC's "Special Rapporteur and Chief Coordinator of Custodial Justice" helped implement its directive to state prison authorities to ensure that medical check-ups were performed on all inmates.

d. Arbitrary Arrest, Detention, or Exile.—The Government implemented a variety of special security laws intended to help law enforcement authorities fight separatist insurgencies, and there were credible reports of widespread arbitrary arrest and detention under these laws during the year.

According to AI, the authorities continued to use the TADA, although it lapsed in 1995, to detain persons in Jammu and Kashmir. Human rights sources estimated that approximately 1,000 persons remained in custody under TADA or related charges at year's end. A small number of arrests under the TADA continued for crimes allegedly committed before the law lapsed. In November the Jammu and Kashmir governments established a committee to review detainees' cases; however, the committee had not met at year's end. TADA courts used abridged procedures. For example, defense counsel was not permitted to see witnesses for the prosecution, who were kept behind screens while testifying in court. Also, confessions extracted under duress were admissible as evidence. The special task force established by the state police forces of Karnataka and Tamil Nadu to capture a bandit hiding in forests in the border area between the 2 states had arrested some 121 persons under the TADA prior to the law's lapse; 51 of these persons still were in custody at year's end.

In March the Prevention of Terrorism Ordinance (POTO) was enacted into law and changed to the Prevention of Terrorism Act (POTA). The POTA allows detention without charge for 3 months, deems not disclosing information to the authorities about terrorist activities an offense, and provides extensive new powers to ban organizations and seize their assets. This ordinance is similar to the TADA in that it permits detention for 30 days without trial, summary trials, and the use of testimony exacted under duress. In addition, the bill provides for special courts to try offenses, place the burden of proof at the bail stage on the accused, make confessions to a police officer of the rank of superintendent of police admissible as evidence, extend the period of remand from 15 to 60 days, and set mandatory sentences for terrorism-related offenses. Since the POTO and POTA were enacted, the Jammu and Kashmir police have arrested approximately 426 people, 50 percent of whom were charged with sheltering terrorists. In March Yasin Malik, Hurriyat leader and the Chairman of the Jammu and Kashmir Liberation Front, was arrested under POTA. He was released on bail in June; however, he was re-arrested the same day under the Jammu and Kashmir Public Safely Act (PSA), which does not require a charge. In November he was released again; however, he still faced charges under the POTA. In July in Madhya Pradesh, police invoked POTA against the Naxalites PWG.

In addition, the POTA was used to arrest members of various organizations and opposition political parties on charges of publicly expressing support of the banned LTTE terrorist group. For example, on July 11, police arrested Marumalachi Dravida Munnetra Kazahagam leader Vaiko for speaking in support of the LTTE at a public meeting. On August 1, Tamil Nationalist Movement leader Pazha Nedumaran was arrested for convening a conference in support of the LTTE in Chennai. In August police arrested P. Nedumaran under POTA for being a supporter of the Tamil terrorist group. At year's end, 15 persons had been arrested under the POTA.

In December a special court in New Delhi issued the first conviction under the POTA and ruled that four accomplices of the militants who attacked the Indian Parliament in December 2001 were guilty (*see* Section 1.g.). Three of the defendants were sentenced to death and the fourth was sentenced to 5 years imprisonment and fined $200 (RS 10,000).

Preventive detention laws in the event of threats to public order and national security exist. An individual may be detained—without charge or trial—for up to 3 months, and detainees were denied their rights or compensation for unlawful arrest or detention. In addition to providing for limits on the length of detention, the preventive detention laws provide for judicial review. Several laws of this type remain in effect.

The National Security Act (NSA) permits the detention of persons considered to be security risks; police anywhere in the country (except for Jammu and Kashmir) may detain suspects under NSA provisions. Under these provisions, the authorities may detain a suspect without charge or trial for as long as 1 year on loosely defined security grounds. The NSA does not define "security risk." The state government must confirm the detention order, which is reviewed by an advisory board of three High Court judges within 7 weeks of the arrest. NSA detainees are permitted visits by family members and lawyers, and must be informed of the grounds for their detention within 5 days (10 to 15 days in exceptional circumstances). The Government was not able to provide figures on how many persons were detained nationwide under the NSA, but in 1997 there were 1,163 such persons. According to press accounts during the year, there were no cases of persons detained under NSA in the northeast. Human rights groups alleged that preventive detention may be ordered and extended under the act purely on the opinion of the detaining authority and after advisory board review. No court may overturn such a decision.

The PSA covers corresponding procedures for that state. More than half of the detainees in Jammu and Kashmir were held under the PSA. Under these provisions, the authorities may detain a suspect for detention without charge and without judicial review for up to 2 years; suspects do not have access to family members or legal council. For example, in June Syed Ali Shah Geelani, a senior Hurriyat leader, and his two sons-in-law were detained under the PSA and the Officials Secrets Act (*see* Section 2.a.). The Government charged Geelani with money laundering and possession of armed forces documents and charged his sons-in-law with possession of classified materials. At year's end, Geelani and one son-in-law remained in jail in Ranchi, Jharkand. The second son-in-law was released in November.

The Supreme Court upheld the constitutionality of the Armed Forces Special Powers Act (AFSPA). In a representation made to the NHRC, the South Asia Human Rights Documentation Center (SAHRDC) asserted that the act's powers were "too vast and sweeping and posed a grave threat to the fundamental rights and liberties

of the citizenry of the (disturbed) areas covered by the act." The SAHRDC also asserted that the powers granted to authorities to declare any area to be a "disturbed area," and thus subject to the other provisions of the act, were too broad. Moreover, the SAHRDC noted that the act empowered any commissioned officer, warrant officer, noncommissioned officer, or any other person of equivalent rank in the armed forces to fire upon and otherwise use force, even to the point of death, if he believed that it was necessary for the maintenance of law and order. Further, the act states that "no prosecution, suit, or other legal proceedings shall be instituted, except with the previous sanction of the central government against any person in respect of anything done or purported to be done in exercise of powers" conferred by the act. The SAHRDC believed that many custodial deaths and extrajudicial killings had been committed as a result of the power granted to the armed forces under AFSPA.

In June 2001, the police placed 23,000 opposition party leaders and workers, mostly from the DMK party, into preventive detention for 4 days in Tamil Nadu. Police organized the arrests to forestall civil disorder after the arrest of former DMK Chief Minister Karunanidhi on criminal conspiracy charges. Opposition leaders and human rights activists alleged that the roundup was unprecedented in scale and was intended to intimidate the opposition. The arrests led to the overcrowding of already congested jails. In July 2001, the NHRC asked the Tamil Nadu state government to justify the arrests and explain apparent human rights violations. According to the NGO People's Watch, the state government responded to the inquiry by questioning the validity of the NHRC, and by year's end, the matter had been referred to the Supreme Court.

In 2001 in Madurai Central prison, 3,008 opposition figures joined 1,900 inmates in a facility designed for only 1,200 persons. Some of the opposition leaders taken into preventive detention were released after 4 to 5 days with no charges filed against them.

Human rights groups alleged that between June and August, police detained 30 members of teachers' unions and other activist groups in Warangel and Mahboobnagar on suspicion of PWG membership. Police allegedly tortured some of the detainees and the teachers reportedly were ordered to resign from their jobs.

The Constitution provides that detainees have the right to be informed of the grounds for their arrest, to be represented by counsel, and, unless held under a preventive detention law, to appear before a magistrate within 24 hours of arrest. At this initial appearance, the accused either must be remanded for further investigation or released. The Supreme Court has upheld these provisions. The accused must be informed of the right to bail at the time of arrest and may, unless held on a nonbailable offense, apply for bail at any time. The police must file charges within 60 to 90 days of arrest; if they fail to do so, court approval of a bail application becomes mandatory.

A program of prison visits by the ICRC was designed in part to help assure communications between detainees and their families. During the year, the ICRC visited hundreds of detainees in approximately 20 places of detention, including all acknowledged detention centers in Jammu and Kashmir, and also visited Kashmiri detainees elsewhere in the country. However, the ICRC was not authorized to visit interrogation centers or transit centers, nor did it have access to regular detention centers in the northeastern states (*see* Sections 1.c. and 4). During the year, the ICRC stated that it encountered increasing difficulties in maintaining systematic access to people detained in connection with the situation in Jammu and Kashmir.

The court system was extremely overloaded, resulting in the detention of thousands of persons awaiting trial for periods longer than they would receive if convicted. Prisoners were held for months or even years before obtaining a trial date. According to a report by the Home Affairs, there were 24 million cases pending during the year, and some cases had been pending since 1950. In July the Law Minister told Parliament that more than 500,000 cases were pending for more than one decade. In 1999 the chairman of the NHRC stated that 60 percent of all police arrests were "unnecessary and unjustifiable" and that the incarceration of those wrongly arrested accounted for 43 percent of the total annual expenditure on prisons. The commission found that 90 percent of the 780 inmates that it studied were unconvicted prisoners awaiting completion of trial.

In March 2001, the NHRC reported that it had directed the West Bengal government to pay $1,044 (RS 50,000) in compensation to the court guardian of a 12-year-old girl who was in the custody of the West Bengal police for nearly a decade because she was the sole witness to her parents' murder. The case against then-Bihar Minister of State for Cooperatives Lalit Yadav, his cousin, and four others still was pending at year's end for the alleged illegal detention and torture of a truck driver and cleaner at the minister's residence.

In 2000 the Government announced that it was allocating $108.15 million (RS 5.03 billion) to state governments for the creation of 1,734 additional courts during 2000–2005 to hear more cases and reduce the number of remand prisoners. At year's end, 706 of these courts had been set up.

There were political detainees reported during the year.

The Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, serious problems remained. The judiciary was backlogged and understaffed in most parts of the country, and in Jammu and Kashmir, the judiciary barely functioned due to threats by militants and to frequent refusal by security forces to obey court orders.

Courts of first resort exist at the subdistrict and district levels. More serious cases and appeals are heard in state-level high courts and by the national-level Supreme Court, which also rules on constitutional questions. State governments appoint subdistrict and district judicial magistrates. High court judges are appointed on the recommendation of the federal Law Ministry, with the advice of the Supreme Court, the High Court Chief Justice, and the chief minister of the State, usually from among district judges or lawyers practicing before the same courts. Supreme Court judges are appointed similarly from among High Court judges. The Chief Justice is selected on the basis of seniority. Under a Supreme Court ruling, the Chief Justice, in consultation with his colleagues, has a decisive voice in selecting judicial candidates. The President appoints judges, and they may serve up to the age of 62 on the state high courts and up to the age of 65 on the Supreme Court.

When legal procedures functioned normally, they generally assured a fair trial, but the process often was drawn out and inaccessible to poor persons. The Criminal Procedure Code provides for an open trial in most cases, but it allows exceptions in proceedings involving official secrets, trials in which statements prejudicial to the safety of the State might be made, or under provisions of special security legislation. Sentences must be announced in public. Defendants have the right to choose counsel from attorneys who are fully independent of the Government. There were effective channels for appeal at most levels of the judicial system, and the State provides free legal counsel to the indigent. Defendants are allowed to question witnesses against them, present their own witnesses and evidence, and have access to government evidence held against them.

Muslim personal status law governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The Government does not interfere in the personal status laws of the minority communities, and as a result personal status laws that discriminate against women are upheld.

In Jammu and Kashmir, the judicial system barely functioned due to threats by militants against judges, witnesses, and their family members; because of judicial tolerance of the Government's heavy-handed antimilitant actions; and because of the frequent refusal by security forces to obey court orders. Courts in Jammu and Kashmir were reluctant to hear cases involving terrorist crimes and failed to act expeditiously on habeas corpus cases, if they acted at all. There were a few convictions of alleged terrorists in the Jammu High Court during the year; many more accused militants had been in pretrial detention for years.

Criminal gangs in all four southern states were known to attack rivals and scare off complainants and witnesses from court premises, denying free access to justice. In some cases, accused persons were attacked while being escorted by police to the courts.

The U.N. Special Rapporteur on the Independence of the Judiciary was not invited to visit the country during the year.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The police must obtain warrants for searches and seizures. In a criminal investigation, the police may conduct searches without warrants to avoid undue delay, but they must justify the searches in writing to the nearest magistrate with jurisdiction over the offense. The authorities in Jammu and Kashmir, Punjab, and Assam have special powers to search and arrest without a warrant.

The Government Enforcement Directorate (ED), which was mandated to investigate foreign exchange and currency violations, searched, interrogated, and arrested thousands of business and management professionals annually, often without search warrants. However, the ED ultimately convicted very few persons. According to official figures, in 1999, the latest year for which figures are available, there were 387 searches or raids by the ED, resulting in 107 prosecutions and 29 convictions.

The Telegraph Act authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail, in case of public emergency or "in the interest of the public safety or tranquillity." Every state government has used these powers, as has the central government.

The Information Technology Act includes provisions that grant the police powers to search premises and arrest individuals without a warrant. Under the Act, the maximum sentences for failing to provide information to the Government on request and transmitting "lascivious" material were 1 year and 5 years respectively. The Act also requires Internet cafes to monitor Internet use and inform the authorities (*see* Section 2.a.). At year's end, one person had been arrested under the Act, but he was released after some confusion about the nature of the alleged offense. NGOs criticized the Act, stating that its provisions were Draconian.

The Government did not restrict citizens' personal appearance; however, in Kashmir and Manipur dress codes were announced. The Kanglei Yawon Kanna Lup in Manipur announced a dress code for the state's women that bans the wearing of saris, salwar kameez, and trousers. The group threatened to punish with death women who violated the code, and it urged women to wear the traditional Phanek and Chador on all occasions but allowed girls to wear salwars as school uniforms. In Kashmir the militant group Lashkar-e-Jabbar ordered Muslim women to dress in burqas, Hindu women to wear bindis, and Sikh women to wear identifying saffron headscarves (*see* Sections 2.c. and 5).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Government forces committed numerous serious violations of humanitarian law in the disputed State of Jammu and Kashmir. Between 350,000 and 450,000 army and paramilitary forces were deployed in Jammu and Kashmir, although the Government did not release official figures. The Muslim majority population in the Kashmir Valley suffered from the repressive tactics of the security forces. Under the Jammu and Kashmir Disturbed Areas Act, and the Armed Forces (Jammu and Kashmir) Special Powers Act, security force personnel had extraordinary powers, including authority to shoot suspected lawbreakers and those persons disturbing the peace, and to destroy structures suspected of harboring militants or arms.

The Union Home Ministry was unable to estimate how many civilians were killed in crossfire by security forces in Jammu and Kashmir during the year. The security forces continued to abduct and kill suspected terrorists, but they did not accept accountability for these abuses. Many commanders' inclination not to participate in such practices led to a reduced number of cases, and as a result government-supported countermilitants often committed these abuses.

According to credible reports, in addition to harassment during searches and arbitrary arrests (*see* Section 1.d.), security forces abducted and sometimes used civilians as human shields in night patrolling and searching for landmines; the abuses occurred mostly in the Kupwara and Doda districts. Because of Doda's inaccessibility, the abuses there allegedly were underreported.

The continued incursion of Pakistani-backed armed insurgents into territory on the Indian side of the line of control (LOC) in the State of Jammu and Kashmir resulted in an increased counterinsurgency campaign, accompanied by repressive offensive measures. Mortar and small arms fire across the LOC killed an unknown number of civilians during the year. For example, on May 30, 14 persons, including 3 army soldiers and 11 civilians, were killed in overnight artillery shelling and mortar fire. According to a government official, security forces killed 1,471 militants during the year. On January 19, three militants and a soldier were killed in gunfights in Jammu and Kashmir.

Kashmiri militant groups also committed serious abuses, including numerous execution-style mass killings of Hindu (Pandit), Sikh, and Buddhist villagers in Jammu and Kashmir (*see* Sections 1.a. and 5). Militant groups also killed police officers and members of the security forces. In February militants killed eight Hindus, including six children in the Rajouri district. On May 21, militants shot and killed prominent Hurriyat leader Abdul Ghani Lone during a memorial rally in Srinagar. Between August and October, 44 political workers were killed in Udhanipus, Pulwamma, Srinigar, Kupwara, and Baramulla by militants during the fall election campaign.

In addition to political killings, kidnapings, and rapes of politicians and civilians (*see* Sections 1.a., 1.b., and 1.c.), insurgents engaged in extortion and carried out acts of random terror that killed hundreds of Kashmiris. Many of the militants were Afghani, Pakistani, and other nationals. The militants used time-delayed explosives, landmines, hand grenades, and snipers. There was a significant upsurge in militant violence against security forces and a tendency to use heavy weapons such as hand grenades and rockets. Militants killed and injured numerous security personnel and destroyed a great deal of security force property; many civilians also were killed. For example, in January militants killed a Muslim family of 11, including 8 children,

in the State of Jammu and Kashmir. In December a Delhi court found three Kashmiris guilty under the anti-terrorism law of helping militants plan and carry out the 2001 Parliament attack and sentenced them to death (*see* Section 1.d.).

Extremist and terrorist activities in the northeast also claimed many lives. In addition to ambushes, terrorists increasingly resorted to destroying bridges and laying time bombs on roads, on railway tracks, and in trains. For example, in May the Kuki Revolutionary Army killed 11 Assam Rifles personnel at Lepan area in Manipur. In June the insurgent group United Liberation Front of Asom killed one person in an attack on a police battalion in Bongaigaon in Assam. In April 2001, week-long fighting between 2 Naga insurgent groups left more than 45 persons dead; 4,500 persons were forced to flee 15 villages in Mon district.

During the year, police arrested numerous persons suspected of involvement in previous terrorist attacks and brought charges against some suspects. Charges also were brought against persons accused of involvement with human suicide bomb attacks to advance Sikh separatism, as well as against dozens of captured separatist insurgents in Jammu and Kashmir for bombings, killings, and acts of sabotage.

Landmines were a problem in Jammu and Kashmir and to some extent in Punjab. Landmines, booby traps, and unexploded ordnance posed a problem to resettlement of displaced persons and rebuilding. For example, in January 11 persons were killed in a landmine blast in Gumla district. In June two persons were killed and five injured in a landmine blast in Palamu district, Jharkhand. Militants previously restricted landmine use to army convoys traveling outside of major cities, but during the year they used command-detonated landmines in Srinagar city.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were some limitations. A vigorous and growing press reflected a wide variety of political, social, and economic beliefs. Newspapers and magazines regularly published investigative reports and allegations of government wrongdoing, and the press generally promoted human rights and criticized perceived government lapses.

Under the Official Secrets Act, the Government may restrict publication of sensitive stories or suppress criticism of its politics. For example, on June 9, Syed Iftikhar Gilani, the New Delhi bureau chief of the Kashmir Times, was imprisoned for allegedly possessing classified documents in violation of this act. Gilani alleged that the only evidence the Government presented to substantiate this charge was a 1995 public document that referred to human rights abuses committed by Indian security forces in Kashmir. At year's end, Gilani remained in detention.

In December Parliament passed a Right to Information law; at year's end, this bill was pending the President's approval. This act allows citizens to request and receive documents from the Government that are considered to be in the public domain.

In the print media, all publications were privately owned. In the electronic media, 80 percent of the channels were privately owned, and 20 percent were operated by Doordarshan, a semi-autonomous body controlled by the Government. Both wire services were semi-autonomous.

The Newspapers Incitements to Offenses Act remained in effect in Jammu and Kashmir. Under the Act, a district magistrate may prohibit the press from publishing material likely to incite murder or any act of violence. As punishment the Act stipulates that the authorities may seize newspaper premises and printing presses. Despite these restrictions, newspapers in Srinagar, the capital of Jammu and Kashmir, reported in detail on alleged human rights abuses by the Government and regularly published press releases of Islamic separatist Kashmiri groups. The authorities generally allowed foreign journalists to travel freely in Jammu and Kashmir, where they regularly spoke with separatist leaders and filed reports on government abuses.

In Assam the state government attempted to impede criticism by filing a number of criminal defamation charges against journalists.

The Press Council is a statutory body of journalists, publishers, academics, and politicians, with a chairman appointed by the Government. Designed to be a self-regulating mechanism for the press, it investigates complaints of irresponsible journalism and sets a code of conduct for publishers. This code includes a commitment not to publish articles or details that might incite caste or communal violence. The Council publicly criticized newspapers or journalists it believed had broken the code of conduct, but its findings, while noted by the press community, carried no legal weight.

At the state level, regional political parties have the ability to influence regional media. The Indian Express, an independent newspaper, was unable to get advertising from the state government after its reporting on the Gujarat violence. In addition, a number of journalists who worked for English newspapers and the electronic media, who had criticized the Modi government and its political supporters, reportedly were subjected to "strong-arm" tactics by VHP and Bajrang Dal activists. These alleged "strong-arm" tactics included anonymous threatening phone calls and a "whispering campaign."

Authorities occasionally beat, detained, and harassed journalists, particularly in Jammu and Kashmir, which resulted in significant self-censorship. For example, on April 7, the police used excessive force against more than 20 reporters and photographers in Ahmedabad at the Gandhi Ashram. The journalists were covering two peace demonstrations that were disrupted by members of the youth section of the BJP. On April 8, an official communiqué stated that a commission of inquiry was being set up and would be chaired by a retired judge of the High Court and the Commission was to issue a report 3 weeks after the incident; however, at year's end, no report had been filed or made public. In May members of the BSF assaulted 17 journalists. In August, an editor and three employees of the weekly Chattan were beaten in their offices by members of the security forces. In June Alex Perry, the bureau chief for a magazine, was detained and questioned for several hours concerning alleged irregularities with his passport. His detention followed the publication of a June 19 article critical of the Prime Minister. On November 19, Farooq Javed Khan, photographer for the Hindustan Times and Kashmir Images was beaten by police officers as he walked home from his office in Srinigar. At year's end, the police had not investigated these incidents.

In September government employees beat several journalists in Assam, three of whom required hospitalization. At year's end, a departmental inquiry was conducted and the Government suspended several state employees.

In some instances, allegations of violence against journalists were made against state governments. No action reportedly was taken against the town magistrate who used excessive force against journalist Parag Saikia in July 2000.

In Calcutta the Communist Party of India (Marxist) (CPI (M)) often threatened journalists; however, as the power of the party diminished, journalists criticized the Government more frequently.

Nonviolent pressure on journalists comes from official sources as well: Kumar Badal, journalist of the vernacular daily newspaper Naharolgi Thoudang was arrested in 2000 on charges of indulging in antinational activities. He was released after a court ruled that the allegation was baseless. Some newspapers received more than $1.29 million (RS 60 million) annually in advertising revenue from the state government. The threat of losing this revenue contributed to self-censorship by smaller media outlets, which heavily relied on government advertising.

There were no developments in the investigation of the attack by BSF in 2001 that left 11 persons dead, 8 of them civilians, and 3 journalists hospitalized. There were no developments in the 2001 case of Aajir Asam.

During the year, the Government of Tamil Nadu and the Press Council of India completed an investigation into the 2001 case of police charging 12 members of the press and injuring them during a DMK rally; however, the commission's report was not released to the public. On February 5, Suresh, a Sun Television reporter was granted bail. He was arrested on in June 2001.

The Government maintains a list of banned books that may not be imported or sold in the country; some—such as Salman Rushdie's "Satanic Verses"—because they contain material government censors have deemed inflammatory.

Intimidation by militant groups caused significant self-censorship by journalists. The local press continued to face pressure from militant groups attempting to influence coverage. For example, militants fired rockets at the All India Radio Station and the Doordashan complex in Srinigar in November. No one was injured in these incidents.

On April 14, unknown assailants killed Paritosh Pandey, a crime reporter of the Jansatta Express in Lucknow. Many observers believed that Pandey's death was in response to his reporting of criminal gangs. On April 15, dozens of journalists staged a demonstration to complain that police were slow to respond to news of Pandey's murder. During this demonstration, a security official hit a reporter with a rifle butt and caused serious injuries (*see* Section 2.b.). The police had not arrested anyone in connection with the killing by year's end.

On May 29, unknown assailants shot Zafar Iqbal, a reporter for the Kashmir Images in Srinagar. Local journalists believed Igbal may have been targeted because the publication is known for supporting the Government. The police had not arrested anyone in connection with the killing by year's end.

During the year, as in 2001, 2000, and 1999, Kashmiri militant groups threatened journalists and editors and even imposed temporary bans on some publications that were critical of their activities.

The trial continued in the 2000 killing of V. Selvaraj, a journalist with the biweekly Nakkeeran.

Television no longer was a government monopoly, but this was due more to technological changes than to government policy. Private satellite television was distributed widely by cable or satellite dish in throughout the country. These channels provided substantial competition for DDTV, the national broadcaster, in both presentation and credibility. DDTV frequently was accused of manipulating the news for the benefit of the Government; however, cable operators were not free from criticism. In some parts of the country, to varying degrees, satellite channel owners used their medium to promote the platforms of the political parties that they supported.

In March police sealed the offices of a local news television channel, and four media persons were arrested in Vadodara. The police claimed that the television channels were "fueling divisive feelings among the populace, and causing communal disharmony under the provisions of the Penal Code." The four media persons were released on bail, and the police reopened the offices later that evening. The owner of the television channel said that the authorities seized his offices in retaliation for his expose of police inaction during the riots in Gujarat.

Government measures to control objectionable content on satellite channel—specifically, tobacco and alcohol advertisements—still were in effect, which held cable distributors liable under civil law. The (often foreign) satellite broadcasters, rather than the domestic cable operators, fall within the scope of the regulation.

AM radio broadcasting remained a government monopoly. Private FM radio station ownership was legalized during 2000, but licenses only authorized entertainment and educational content. Licenses did not permit independent news broadcasting.

A government censorship board reviewed films before licensing them for distribution. The board censored material it deemed offensive to public morals or communal sentiment. This led to self-censorship among producers, who often avoided subjects perceived as critical of the Government. Producers of video newsmagazines that appeared on national television were required to submit their programs to DDTV, which occasionally censored stories that portrayed the Government in an unfavorable light.

The Government limited access to the Internet. The Informational Technology Act provides for censoring information on the Internet on public morality grounds, and it considers "unauthorized access to electronic information" a crime. According to Reporters Without Borders, this law allows police officers to search the homes or offices of Internet users, at any time and without a warrant. On July 4, Kumar Badal, a reporter with the on line newspaper Tehelka.com, was arrested and charged with asking poachers to kill wild animals in a national park. In June the CBI searched the head office of Tehelka.com and the home of a Tehelka.com employee hours before the site's editor in chief was to give testimony about a corruption scandal that led to the resignations of Defense Minister and the president of the Hindu nationalist party. Anyone running an "anti-Indian" site risked up to 5 years in prison.

The Government did not restrict academic freedom, and students and faculty espoused a wide range of views. In addition to approximately 16 national universities and 259 state universities, states were empowered to accredit locally run private institutions.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. The authorities sometimes required permits and notification prior to holding parades or demonstrations, but local governments ordinarily respected the right to protest peacefully, except in Jammu and Kashmir, where separatist parties routinely were denied permits for public gatherings. During periods of civil tension, the authorities may ban public assemblies or impose a curfew under the Criminal Procedure Code.

Parts of Srinagar and other parts of Jammu and Kashmir occasionally came under curfew, but more often were affected by strikes called by separatists. From November until year's end, the country's independent election authorities banned all religious processions in Gujarat. The ruling came in response to a demonstration planned by the hardline Hindu group, VHP. The commission said that the VHP march should not be allowed to go ahead because there was a likelihood that "provocative and intemperate" speeches being made during the procession. In response, the Gujarat VHP attempted to organize a procession from Ahmedabad to Godhra in contravention of the Election Commission guidelines. The Gujarat police pre-

vented the procession and arrested the leaders; however, later that day they were released.

In January police fired upon a demonstration in Bihar, and 2 students were killed and 10 were injured. The students were protesting a hike in university fees; however, the Government alleged that police fired only after stones were hurled at them. For example, in May members of the BSF fired on demonstrators in Safakadal to protest the BSF beating of a Muslim clergyman who used a loudspeaker in a mosque. The shooting killed one person and injured numerous others. In June one laborer was killed, and five were injured when police opened fire on protesters at a tea plantation in West Bengal. Police claimed that the laborers attacked representatives from a property company who tried to take back the land. On August 29, several persons, including the CPI state council members were injured when police charged CPI activists who were demonstrating against the Government's increase in power rates. On September 20, several persons were injured when police fired on a group of persons distributing pamphlets outside Srinagar's largest mosque.

There were no reports of any action taken against the responsible members of the police who fired into a crowd of villagers in 2001. The army apologized for the incident and promised an official inquiry; however, no security force members have been charged in the incident. No action reportedly was taken against members of the police who used excessive force to disperse demonstrations on the following dates of 2001: August 6; June 18; August 12; and the November riot in Guwahati, Assam. Reportedly no action was taken against the members of the SOG who used excessive force to disperse demonstrations in the April 2000 killing of eight persons in Jammu and Kashmir.

The Constitution provides for the right to form associations, and the Government generally respected this right in practice.

A requirement exists that NGOs secure the prior approval of the Ministry of Home Affairs before organizing international conferences. Human rights groups contended that the requirement provides the Government with substantial political control over the work of NGOs and their freedom of assembly and association. Some NGOs alleged that some of their members were denied visas to enter the country.

c. Freedom of Religion.—The Constitution provides for secular government and the protection of religious freedom, and the central government generally respected these provisions in practice; however, it sometimes did not act effectively to counter societal attacks against religious minorities and attempts by state and local governments to limit religious freedom. This failure resulted in part from the legal constraints inherent in the country's federal structure and in part from the law enforcement and justice systems, which at times were ineffective. The ineffective investigation and prosecution of attacks on religious minorities was interpreted by some extremist elements as a signal that such violence likely would go unpunished. Tension between Muslims and Hindus, and to an increasing extent between Hindus and Christians, continued to pose a challenge to the secular foundation of the State.

Although the law provides for religious freedom, enforcement of the law was poor, particularly at the state and local levels, where the failure to deal adequately with intragroup and intergroup conflict and with local disturbances abridged the right to religious freedom. There was significant Hindu-Muslim violence during the year. In many cases, the Government response was inadequate, consisting largely of statements criticizing the violence against Muslims, with few efforts to hold accountable those persons responsible or to prevent such incidents from occurring (*see* Section 5). For example, in September Gujarat Chief Minister Narendra Modi allegedly made disrespectful remarks about Muslims in an election rally speech. In the speech, Modi allegedly blamed Muslims living in refugee camps for the state's population boom, although he denied insulting Muslims. Throughout the year, the Government generally described the violence and attacks as a series of isolated local events.

The leading party in the Government coalition is the BJP, a Hindu nationalist political party with links to Hindu extremist groups that were implicated in violent acts against Christians and Muslims. The BJP also leads state governments in Gujarat, Himachal Pradesh, and Goa. Many BJP leaders and party workers were members of the Rashtriya Swayamsewak Sangh (RSS) and share some of its ideology. The RSS espouses a return to Hindu values and cultural norms. However, the BJP is an independent political party, and the degree of RSS influence over its policy making was not clear. Members of the BJP, the RSS, and other affiliated organizations were implicated in incidents of violence and discrimination against Christians and Muslims. The BJP and RSS officially express respect and tolerance for other religions; however, the RSS in particular opposes conversions from Hinduism and believes that all citizens should adhere to Hindu cultural values. The BJP officially

agrees that the caste system should be eliminated, but many of its members are ambivalent about this. The BJP's traditional cultural agenda includes calls for construction of a new Hindu temple to replace an ancient Hindu temple that was believed to have stood on the site of a mosque in Ayodhya that a Hindu mob destroyed in 1992; for the repeal of Article 370 of the Constitution, which grants special rights to the state of Jammu and Kashmir, the country's only Muslim majority state; and for the enactment of a uniform civil code that would apply to members of all religions.

No registration is required for religions. Legally mandated benefits are assigned to certain groups, including some groups defined by their religion. For example, some states reserve jobs and educational enrollment slots for Muslims, who do not benefit from reservations designed to help lower-caste Hindus.

In May 2001, the Government banned Deendar Anjuman, a Muslim group whose members were arrested in connection with a series of church bombings in Karnataka in 2000. The Government banned the group for "fomenting communal tension" and actions "prejudicial to India's security." During the year, the Government arrested, and tried 20 members of Deendar Anjuman implicated in the Karnataka church bombing.

The Religious Institutions (Prevention of Misuse) Act makes it a criminal offense to use any religious site for political purposes or to use temples for harboring persons accused or convicted of crimes. While specifically designed to deal with Sikh places of worship in Punjab, the law applies to all religious sites. The Religious Buildings and Places Act requires a state government-endorsed permit before construction of any religious building may commence in the state. The Act's supporters claimed that its aim was to curb the use of Muslim institutions by Islamic fundamentalist terrorist groups, but the measure became a controversial political issue among religious groups in the northern part of the country. In West Bengal, legislation in force requires any person desiring to construct a place of worship to obtain permission from the district magistrate.

On March 13, the Supreme Court ruled that Hindu activists could not perform a March 15 religious ceremony on the land surrounding the site of the demolished mosque in Ayodhya. Thousands of police and paramilitary troops were deployed in and around Ayodhya, and most Hindu militants were stopped from entering the town.

On October 31, the controversial Prohibition of Forcible Conversion of Religion Bill that bans "forced" religious conversions, passed in the State of Tamil Nadu. Human rights advocates believed that the law made it more difficult for poor persons, mistreated minorities, and others ostracized under the caste system, to convert from Hinduism to another religion.

There is no national law that bars proselytizing by Christian citizens. Foreign missionaries generally may renew their visas, but the Government refused to admit new resident foreign missionaries. New arrivals entered as tourists on short-term visas. During the year, state officials continued to refuse to issue permits for foreign Christian missionaries, as well as other persons, to enter some northeastern states, on the grounds of political instability in the region. Missionaries and religious organizations must comply with the Foreign Contribution (Regulation) Act (FCRA), which restricts funding from abroad and, therefore, the ability of certain groups to finance their activities. The Government was empowered to ban a religious organization if it has violated the FCRA, has provoked intercommunity friction, or has been involved in terrorism or sedition.

The legal system accommodated minority religions' personal status laws; there were different personal laws for different religious communities. Religion-specific laws pertain in matters of marriage, divorce, adoption, and inheritance. For example, Muslim personal status law governed many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The personal status laws of the religious communities sometimes discriminated against women (*see* Section 5).

Tensions between Muslims and Hindus, and between Hindus and Christians, continued during the year. Attacks on religious minorities occurred in several states, which brought into question the Government's ability to prevent sectarian and religious violence. The worst religious violence during the year was directed against Muslims by Hindus in Gujarat. It was alleged widely that the police and state government in Gujarat did little to stop the violence promptly and at times even encouraged or assisted the Hindu fundamentalists in perpetrating violent acts (*see* Section 5).

In February after an attack by Muslims on a train in Godhra that resulted in the deaths of 58 Hindus, an estimated 2,000 Muslims were killed in rioting in Gujarat. Beginning on February 28, Hindus attacked and looted Muslim homes, business, and places of worship. The rioting continued from March to mid-May. NGOs re-

ported that police were implicated directly in many of the attacks against Muslims in Gujarat, and in some cases, NGOs contended, police officials encouraged the mob. The Gujarat state government and the police were criticized for failing to stop the violence and in some cases for participating in or encouraging it. Muslim women and girls were raped, and an estimated 850 to 2,000 Muslims were killed. Human rights activists reported that the Gujarat police received specific instructions not to take action to prevent a possible violent reaction to the February 27 attack by Muslims on a train in Godhra carrying Hindus. These observers asserted that Gujarat Chief Minister Narendra Modi personally told Ahmedabad police officials on February 27 to allow Hindus 2 days to react "peacefully" to the Godhra incident. The police reportedly told Muslim victims, "we don't have orders to help you." It was reported that assailants frequently chanted "the police are with us," according to eyewitness accounts. HRW reported that much of the violence was planned well in advance of the Godhra attack and was carried out with state approval and orchestration.

According to Human Rights Watch (HRW), the worst violence occurred in the city of Ahmedabad. HRW reported that, "Between February 28 and March 2 the attackers descended with militia-like precision on Ahmedabad by the thousands, arriving in trucks, clad in saffron scarves, and khaki shorts, the signature uniform of Hindu nationalist groups. Chanting slogans of incitement to kill, they came armed with swords, trishuls, sophisticated explosives and gas cylinders. They were guided by computer printouts listing the addresses of Muslim families and their properties—and embarked on a murderous rampage confident that the police was with them. In many cases, the police led the charge, using gunfire to kill Muslims who got in the mob's way." In addition, there were reports that "most bodies that had arrived—were burned and butchered beyond recognition. Many were missing body parts—arms, legs, and even heads. The elderly and the handicapped were not spared. In some cases, pregnant women had their bellies cut open and their fetuses pulled out and hacked or burned before the women were killed."

On March 24, a report that the Government of Gujarat transferred police officials who allegedly had taken action against Hindu rioters drew further media and NHRC criticism of perceived government partisanship. In its final report on Gujarat, released on June 1, the NHRC held the Gujarat government responsible for the riots and accused it of "a complicity that was tacit if not explicit." The report concluded that "there is no doubt, in the opinion of this Commission, that there was a comprehensive failure on the part of the state government to control the persistent violation of rights of life, liberty, equality, and dignity of the people of the state." The report recommended a CBI inquiry into the communal riots, which the state government subsequently refused to allow.

The destruction caused the forcible displacement of more than 100,000 Muslims into makeshift camps throughout Gujarat. The Government disbanded the camps by mid-June.

Some Christian groups also claimed that BJP officials at state and local levels became increasingly uncooperative. The Government also has been criticized for not attempting to restrain the country's radical Hindu groups.

Christian leaders noted a slight decrease in the incidents of violence against their community and also a change in the type of incidents; however, attacks against Christians continued. On February 17, a church in Karnataka was attacked during morning mass. According to HRW, 70 men, draped in the Hindu nationalist signature saffron flags, descended on the church and hurled bricks and stones at the congregation.

On April 29, a church in Orissa was attacked and set on fire with 20 worshippers inside. No injuries were reported. A spokesman for the Catholic Bishops' Conference of India said that fewer physical attacks occurred against Christians; however, Hindu nationalists began an ideological campaign to limit access to Christian institutions and discourage or, in some cases, prohibit conversions to Christianity. For example, on July 18, Sister Brishi Ekka was sentenced to 6 months in jail by a court in Chhattisgarh for not reporting the 1996 conversion of 95 families to Christianity. This was the first conviction under the state's anti-conversion law, which has been in force since the 1970s. Sister Ekka appealed the decision in the Chhattisgarh High Court and later was released on bail. The Government found that 80 percent of attacks on minorities were motivated by local incidents, economic arguments, or intradenominational feuds. In August a new cable television station, promoting Catholic values, was launched in Kerala; however, several cable television station operators in Kerala and the neighboring states reportedly refused to make the stations' programing available to viewers. In November 2001, newspapers reported that Muslim terrorist groups, including Al-Qaida, targeted the Missionaries of Charity in Calcutta. Press reports stated that extremist groups targeted the nuns because they

received economic aid from the United States to convert Muslims to Christianity. The fear of conversion of Hindus and Muslims by Christians was highlighted in an August 15 statement by Prime Minister Vajpayee. He stated "There is a conversion motive behind the welfare activities being carried out by some Christian missionaries in the country's backward areas, and it is not proper, although conversion is permissible under the law."

In May 2001, a Christian priest, Father Jaideep, was attacked in Jatni town, Orissa. Local citizens, who were enraged by the priest's distribution of pamphlets to propagate Christianity in a Hindu-dominated area, allegedly participated in the attack.

Citizens often referred to schools, hospitals, and other institutions as "missionary" even when they were owned and run entirely by indigenous Christian citizens. By using the adjective "missionary," the RSS tapped into a longstanding fear of foreign religious domination.

By year's end, the trial continued in Orissa of Dara Singh, a member of the Hindu extremist Bajrang Dal, who was arrested in 2000 for the Staines' murders.

In Christian majority areas, Christians sometimes were the oppressors. In Tripura there were several cases of harassment of non-Christians by Christian members of the National Liberation Front of Tripura (NLFT), a militant tribal group with an evangelical bent. For example, NLFT tribal insurgents have prohibited Hindu and Muslim festivals in areas that they control, cautioned women not to wear traditional Hindu tribal attire, and prohibited indigenous forms of worship. In Assam, the issue of Bangladeshi migrants (who generally were Muslim) has become very sensitive among the Assamese (predominantly Hindu) population, which considers itself increasingly to be outnumbered.

Hindus have been victims of violence. For example, on September 24, an attack on the Swaminarayan Hindu Temple in Gujarat left 40 persons dead before security forces stormed the temple. The Government responded swiftly by deploying approximately 3,000 army personnel to dispel a strike and protest march called by the VHP to protest the attack. Critics of the Government noted that had the Government acted quickly following the Gujarat violence, many deaths could have been prevented.

Throughout the year, pan-Islamic militants continued to try to drive all non-Muslims out of Kashmir. In August militants unlawfully entered a house in Jammu and killed four members of a Hindu family. There was no reported progress regarding any investigation of the 2001 killing of six Sikhs in Srinagar. These mass killings in Kashmir, targeted against the Sikh community, increased fears that the remainder of Kashmir's minorities may try or be forced to leave. There was an exodus of many from the Sikh community, particularly the young, during 2001.

There was no reported progress regarding any investigation of the March 2000 killings of 35 Sikh men in the village of Chatti Singhpora, near Anantnag in south Kashmir.

The degree to which the BJP's nationalist Hindu agenda was felt throughout the country with respect to religious minorities varied depending on the region. In some states, governments made efforts to reaffirm their commitment to secularism. In others, mainly in the south, religious groups alleged that since the BJP's rise to power in the national government, some government bureaucrats began to enforce laws selectively to the detriment of religious minorities. For example, this revivalist campaign included the "Hinduization" of education, including the revision of history books to include hate propaganda against Islamic and Christian communities. The situation in the east varied. For example, the Orissa Freedom of Religion Act contains a provision requiring a monthly government report on the number of conversions and requiring a police inquiry into conversions, but this provision was not enforced.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution grants citizens the freedom of movement, and the Government generally respected this in practice; citizens enjoyed freedom of movement within the country except in certain border areas where, for security reasons, special permits were required.

Vehicle checkpoints, at which BSF routinely searched and questioned occupants, were a common feature throughout most of Jammu and Kashmir. It also was common for police to block entry and exit points in preparation for gathering young males for police lineups. These searches tended to focus on troubled areas, as opposed to the mass searches that were common in the past. According to a credible source, such search operations seldom yielded any results. There were frequent curfews in areas of conflict, including in New Delhi in recent years.

Under the Passports Act, the Government may deny a passport to any applicant who "may or is likely to engage outside India in activities prejudicial to the sovereignty and integrity of India." The Government used this provision to prohibit the foreign travel of some government critics, especially those advocating Sikh independence and members of the violent separatist movement in Jammu and Kashmir. For example, in November the Government denied Yasin Malik, a Kashmiri separatist, a passport to travel outside the county.

During the year, there were reports that Bodo-Santhal ethnic clashes continued. In April NDFB militants killed five Adivasis in Hatiphuli Relief Camp in Kokrajhar. In July suspected NDFB militants killed nine Adivasis in a village relief camp in the same district. In December four Santhal woodcutters were killed by Bodo militants. More than 87,000 persons lived under poor conditions in relief camps in Assam's Kokrajhar, Gosaigaon, and adjoining districts as a result of the ongoing violence between Bodos and Santhals.

The incursions of Pakistani-backed armed forces into territory on the Indian side of the LOC in Jammu and Kashmir and the Indian military campaign to repel the intrusion continued during the year and allegedly forced many residents of Jammu and Kashmir from their homes, a number of whom took refuge on the Pakistani side of the LOC. Many homes were destroyed. In 2000 Jammu and Kashmir home minister Mustaq Ahmad Lone told the state assembly that 43,510 persons remained displaced since 1999 (*see* Sections 1.a., 1.c., and 1.g.).

Since 1990 more than 235,000 Bangladeshis have been deported, many from Maharashtra and West Bengal. The occasional deportation of Bangladeshis judged to have entered the country illegally continued during the year, but there was no repetition of the systematic roundup of Bangladeshis for mass deportation that had been conducted by the Maharashtra government in the past. The Government estimated that there were 10 million Bangladeshis living illegally in the country. By year's end, the Illegal Migrants Determination by Tribunal law (IMDT), which largely was aimed at illegal Bangladeshi immigrants, had not been implemented. The central government acknowledged that the law was aimed at Bangladeshis, but claimed that it was unable to repeal the act due to a lack of consensus in Parliament.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has not formulated a policy regarding refugees, asylees, or first asylum. The office of the U.N. High Commissioner for Refugees (UNHCR) had no formal status, but the Government permitted the UNHCR to assist certain groups of refugees (notably Afghans, Iranians, Somalis, Burmese, and Sudanese). The U.N. High Commissioner for Refugees visited the country in May.

The Government provided first asylum to some refugees, most notably in recent years to Tibetan and Sri Lankan Tamil refugees. However, this policy was applied inconsistently. For example, the insistence of some border authorities on the presentation of passport and visas by those claiming refugee status occasionally resulted in individuals or groups being refused admittance. This occurred in recent years in cases involving Chin and Rakhine refugees from Burma and Afghans who entered the country through Pakistan. The UNHCR reported that the country continued to host a large urban refugee population, roughly 90 percent of whom were from Afghanistan. Refugees were not required to make claims in other countries. In April the UNHCR announced that it would help Burmese refugees be self-sufficient and end their monthly subsistence allowances. However, the UNHCR continued to assist extremely needy refugees including women and children.

The Government recognized certain groups, including Chakmas from Bangladesh, Tamils from Sri Lanka, and Tibetans as refugees and provided them with assistance in refugee camps or in resettlement areas. According to UNHCR and government statistics, there were approximately 110,000 Tibetans, approximately 64,990 Sri Lankan Tamils in 131 camps, and perhaps as many as 80,000 Sri Lankan Tamils outside of the camps living in the country at year's end. According to the Tamil Nadu government, there were 60,000 refugees residing in 108 refugee camps and as many as 80,000 residing outside the camps. The refugees in the camps were permitted to work, and the state and central governments paid to educate refugee children and provided limited welfare benefits. Some 80,000 Chakma permanent residents remained in Arunachal Pradesh and Mizoram; the Supreme Court has upheld their right to citizenship. However, the Supreme Court's order to extend citizenship to this group still was not enforced by year's end. The UNHCR reported that 11,642 Afghans, 857 Burmese, and approximately 350 others were receiving assistance from the UNHCR in the country as of August 2001. The Government also assisted an unknown number of persons from Tibet and Sri Lanka. Although the Government formally did not recognize these persons as refugees, it did not deport them.

Instead, they received renewable residence permits, or their status was ignored. Increasingly during the year, some of these groups—Afghans, Iraqis, and Iranians in particular—were not granted renewal of their residence permits by the authorities on the grounds that they were not in possession of valid national passports. Due to financial and other reasons, many refugees were unable or unwilling to obtain or renew their national passports and therefore were unable to regularize their status in the country.

The Tamil Nadu government provided educational facilities to Sri Lankan Tamil refugee children, and the central government provided some assistance and channeled assistance from NGO and church groups. The central government generally denied NGOs and the UNHCR direct access to the camps. NGOs reported refugee complaints about deteriorated housing, poor sanitation, delayed assistance payments, and inadequate medical care in the Tamil refugee camps. The Government used some of these "special camps" to hold suspected members of the LTTE terrorist organization. Human rights groups alleged that inmates of the special camps sometimes were subjected to physical abuse and that their confinement to the camps amounted to imprisonment without trial. They alleged that several of those acquitted by the Supreme Court in 1999 of involvement in the assassination of former Prime Minister Rajiv Gandhi remained confined in these special camps. During the year, the Tamil Nadu government initiated a review of the inmates of the special camps to determine whether any could be released. Some of the inmates were allowed to return to Sri Lanka voluntarily; however, approximately 170 persons remained in the special camps.

Santhals were non-recognized refugees in Assam, and human rights groups estimated that 200,000 lived in relief camps. The Santhals were being sheltered in 100 camps in Assam; conditions in such camps were extremely poor and the Assam government claimed it did not have the resources to improve the conditions of the relief camps.

Ethnic Chins were among the nonrecognized refugees in the northeastern states, particularly Mizoram. Student-led demonstrations protested Chins and Chakma's presence in Mizoram. During the year, tensions between security forces and Chin National Force (CNF) insurgents operating in Burma allegedly resulted in the detention, interrogation, and expulsion of some persons associated with the CNF to Burma, where they credibly feared persecution. In September 2001, there were news reports that thousands of ethnic Chins were asked to leave Mizoram. The Mizoram Chief Minister stated that he wanted the border with Burma to be "fenced to check further infiltration of immigrants into the state." Human rights monitors alleged that approximately 1,000 Chin refugees were arrested in Mizoram, and some 200 had been repatriated forcibly to Burma between July and September 2000. NGOs estimated that 10,000 persons were expelled to Burma, where "the deportees were jailed pending hearings to be scheduled before military tribunals." An estimated 40,000 to 50,000 Chins lived and worked illegally in Mizoram.

Mizoram human rights groups estimated that some 31,000 Reangs, a tribal group from Mizoram that were displaced due to a sectarian conflict, were being sheltered in 6 camps in North Tripura. Conditions in such camps were poor, and the Tripura government asked the central government to allot funds for their care. Reang leaders in the camps pressed for reserved jobs, education benefits, and a comprehensive rehabilitation package for refugees in the relief camps. The Mizoram government rejected these demands and maintained that only 16,000 of the refugees had a valid claim to reside in the state.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country has a democratic, parliamentary system of government with representatives elected in multiparty elections. A Parliament sits for 5 years unless dissolved earlier for new elections, except under constitutionally defined emergency situations. State governments were elected at regular intervals except in states under President's Rule.

On the advice of the Prime Minister, the President may proclaim a state of emergency in any part of the national territory in the event of war, external aggression, or armed rebellion. Similarly, President's Rule may be declared in the event of a collapse of a state's constitutional machinery. The Supreme Court has upheld the Government's authority to suspend fundamental rights during an emergency.

During the year, State Assembly elections were conducted in Uttar Pradesh, Punjab, Uttaranchal, Manipur, Goa, and Gujarat. In Gujarat international observers

stated that the elections took place in a somewhat free and transparent manner; however, there were reports that persons had been left off the electoral register.

The elections in Jammu and Kashmir, held between September 16 and October 8, were to elect members to a new state assembly to form a new government. International observers stated that the elections were conducted in a reasonibly free and transparent manner; however, some NGOs alleged that there were some flaws in the election, including that all major separatist groups boycotted the elections and there was an all-pervading fear of attacks by militants. Some 800 persons were killed in election-related violence in state assembly polling in Jammu and Kashmir (*see* Section 1.a.), and there were some allegations of voter fraud. Between August 2, when elections were announced, and September 24, when the second phase of elections came to an end, over 500 persons were killed. On October 1, as polls opened, three gunmen hurled grenade and rocket attacks at polling stations throughout the district of Anantnag. On September 24, militants abducted and beheaded National Conference leader Abdul Rahim Sofi in North Kashmir. Despite these fears and election-related violence, according to the Election Commission more than 44 percent of the citizens voted.

There were 70 women in the 783 seat legislature. There were 6 women in the Cabinet. A large proportion of women participated in voting throughout the country (with turnout rates slightly lower than those of men), and numerous women were represented in all major parties in the national and state legislatures. The passage of the "Panchayati Raj" constitutional amendments reserved 30 percent of seats in elected village councils (Panchayats) for women, which brought more than 1 million women into political life at the grassroots level.

The Constitution reserves seats in Parliament and state legislatures for "scheduled tribes" and "scheduled castes" in proportion to their population (*see* Section 5). Indigenous people actively participated in national and local politics, but their impact depended on their numerical strength. In the northeastern states, indigenous people were a large proportion of the population and consequently exercised a dominant influence in the political process. In contrast, in Maharashtra and Gujarat, tribal people were a small minority and were unsuccessful in blocking projects that they opposed.

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

Independent human rights organizations operated throughout most of the country, investigating abuses and publishing their findings; however, in some states and in a few circumstances, human rights groups faced restrictions. Human rights monitors in Jammu and Kashmir were unable to move around the state to document human rights violations due to fear of retribution by security forces and countermilitants. Several individuals closely involved in the documentation of violations in Jammu and Kashmir, including lawyers and journalists, were attacked and in some cases killed. International human rights monitors had difficulty in obtaining visas to visit the country for investigation purposes.

Unlike in previous years, the Home Minister did not enforce a dormant executive order requiring visitors for some conferences from certain countries to register beforehand.

The Government appointed a National Human Rights Commission in 1993 with powers to investigate and recommend policy changes, punishment, and compensation in cases of police abuse. In addition, the NHRC was directed to contribute to the establishment, growth, and functioning of human rights NGOs. The Government appointed the members and financed the operations of the NHRC. The NHRC was seriously understaffed, and it is prohibited by statute from directly investigating allegations of abuse involving army and paramilitary forces. The Commission acted independently of the Government, often voicing strong criticism of government institutions and actions. However, the NHRC faced numerous institutional and legal weaknesses, which human rights groups said hampered its effectiveness.

From April 2000 to March 2001, the last year for which figures were available, the NHRC received 71,685 new complaints of human rights violations, an increase of more than 41 percent compared with 2000. More than 50 percent of the complaints were from Uttar Pradesh. The increased number of complaints was believed to be the result of the Commission's increased visibility. Of the 53,711 cases considered during 2000, 32,172 were dismissed; 10,718 were transmitted to other governmental authorities for disposition; 3,395 were concluded, and 7,426 remained pending.

The NHRC also has influenced the legislative process, particularly by issuing recommendations on women's issues, persons with disabilities, and children's rights. The NHRC encouraged the establishment of human rights cells in police head-

quarters in some states; however, this policy was not implemented in any meaningful way. In January the NHRC opened a separate Women's Human Rights Cell in its New Delhi office. This office was able to notify state governments of human rights violations and investigate some complaints, but it cannot impose punitive measures or implement corrective action. In addition, in October the NHRC created a computerized complaint database on its website, where information about each case was available. The NHRC also was involved in programs to eliminate child labor (*see* Section 6.c.).

HRW reported the June killing of human rights defender Navleen Kumar outside of Mumbai. On June 30, four persons were arrested in connection with the killing. On July 8, P.B. D'Sa, vice president of the Karnataka state branch of the People's Union for Civil Liberties, was stabbed and sustained serious injuries. According to HRW, police personnel reportedly were involved in the attack. AI reported the November 2000 killing of human rights defender T. Purushotham in Hyderabad, Andhra Pradesh; however, by year's end, there were no investigations into Purushotham's death. There was no definitive resolution in the case of abducted and killed Kashmir human rights monitor Jalil Andrabi in 1996. Human rights workers alleged that the state attempted to subvert the judicial process by withholding evidence (*see* Sections 1.a. and 1.b.).

Several Christian-affiliated (in many cases, nonevangelical) international relief agencies stated that during the year their work in delivering services to the poor became considerably more difficult due to threats, increased bureaucratic obstacles, and, in some cases, physical attacks on their field workers by Hindu extremists (*see* Sections 2.c. and 5). The prison visits program in Jammu and Kashmir by the ICRC continued during the year (*see* Section 1.c.). ICRC representatives also continued training police and BSF personnel in international humanitarian law. In 2001 the authorities continued to deny HRW and AI permission to visit Jammu and Kashmir. In 2001 the Government denied HRW any access to the country and only allowed AI limited access. The West Bengal government, which was governed by the communist party, and its Chief Minister, Buddhadeb Bhattacharya, called AI "anticommunist" and refused to acknowledge that its report on West Bengal was authentic. The Government also continued to deny the U.N. Special Rapporteur on Extrajudicial Killings permission to visit the country. Unlike in previous years, the Home Ministry did not invite the U.N. Special Rapporteurs on Torture and on Extrajudicial Killings or the Special Rapporteur on Extrajudicial killings. Police and security forces arrested and harassed human rights monitors. The Government continued to refuse repeated UNHCR requests for access to the Sri Lankan Tamil refugee camps in Tamil Nadu (*see* Section 2.d.).

The Human Rights Act requests each state to establish a state human rights commission, but not all states have done so. Commissions exist in 12 states: Assam, Chhattisgarh, Manipur, Himachal Pradesh, Madhya Pradesh, Maharashtra, West Bengal, Tamil Nadu, Punjab, Jammu and Kashmir, Kerala, and Rajasthan. Bihar, Goa, and Andhra Pradesh have yet to appoint state human rights commissions. Gujarat has not established officially a state commission, but in 2000 a commission of inquiry was created to report on the custodial death of Colonel Pratap Save, a retired military officer. This commission had yet to report its conclusions by year's end. Uttar Pradesh, the state with the largest number of human rights complaints to the NHRC, stated its intention to set up a state human rights commission but had not yet done so. The state human rights commission established in Jammu and Kashmir by an act of the state legislature had no power to investigate independently alleged human rights violations committed by security force members.

The NHRC and the National Minorities Commission took unilateral action not prompted by a specific complaint or legal demand and warned the state and central government in Gujarat to take corrective action in regard to the February and March violence. Subsequently, the central government created a special compensation package for the victims of the violence in Gujarat as a direct result of this warning.

The Madhya Pradesh state human rights commission was active in pursuing complaints. From April 2001 to March, the commission received 13,308 complaints, more than the number from the previous year. The commission lamented that at the district level, the Government was extremely slow in responding to complaints forwarded to it. Partly as a result, 5,191 complaints were pending as of March 31.

The Maharashtra state human rights commission came into existence in March 2001, and it received 1,440 complaints in 2001, of which 740 were pending at year's end.

The Chhattisgarh state has not created a human rights commission.

Tamil Nadu's Human Rights Commission had five members and was presided over by a retired High Court Chief Justice. It worked on caste clashes and deaths

resulting from illicit liquor sales, but its lack of authority to investigate effectively barred it from considering major incidents. The three-member Kerala Human Rights Commission was understaffed and relatively inactive, although it probed prison conditions. In addition to these state human rights commissions, special courts to hear human rights cases were established in Tamil Nadu, Uttar Pradesh, and Andhra Pradesh. However, the courts in Uttar Pradesh did not function despite a 1999 court order that they be reactivated.

Punjab's Human Rights Commission (PHRC) had four members and was presided over by a Chairperson. The selection for a 5-year term was made by the State Governor acting on the advice of a committee chaired by the Chief Minister. Several local human rights organizations expressed concern that the PHRC members did not appear to have the record of involvement in the protection and promotion of human rights that was required under the Protection of Human Rights Act (PHRA). In 2001 the Commission received 6,300 complaints of human rights violations. According to AI, the Commission was understaffed and seriously limited by the PHRA, which limited its powers to investigate individual cases of human rights violations. The People's Commission, a separate body to investigate disappearances, was established by retired Supreme Court Justice Kuldip Singh to highlight the fate of more than 2,000 persons who "disappeared" during the period of political unrest in Punjab (*see* Section 1.b.); it continued to receive little cooperation from state government authorities.

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

The traditional caste system as well as differences of ethnicity, religion, and language deeply divide society. Despite laws designed to prevent discrimination, other legislation as well as social and cultural practices had a profound discriminatory impact, and discrimination against women, persons with disabilities, indigenous people, and national, racial, and ethnic minorities was a problem. According to the National Commission for Scheduled Castes and Scheduled Tribes, caste clashes were frequent in Uttar Pradesh, Bihar, and Tamil Nadu.

Women.—Domestic violence was common and a serious problem. In a survey by the National Family Health Survey released during the year, 56 percent of the women said that domestic violence was justified. These sentiments, combined with ineffective prosecution, made progress against domestic violence difficult.

The issue of rape received increased political and social attention during the year. The press consistently reported that violence against women was increasing, although local women's organizations claimed that there simply had been increased reporting. Only 10 percent of rape cases were adjudicated fully by the courts, and police typically failed to arrest rapists, thus fostering a climate of impunity. Mass rapes often formed part of the tactics of intimidation used by upper caste gangs against lower castes, and gang rapes often were committed as a punishment for alleged adultery or as a means of coercion or revenge in rural property disputes. Numbers of reports of rape and the extent of prosecution varied from state to state. Madhya Pradesh had the highest rates of rape reported. In Assam 30 percent of rape cases involved girls below 18 years of age. Most of the victims were maidservants, some as young as 6 years old. On November 24, a medical student allegedly was gang raped in broad daylight in New Delhi. Police arrested a man and three suspected accomplices and charged them with rape, robbery, and criminal conspiracy.

Dowry disputes also were a serious problem. Although providing or taking dowry was illegal under the Dowry Prohibition Act, dowry was practiced widely. In the typical dowry dispute, a groom's family members harassed a new wife whom they believed had not provided a sufficient dowry. This harassment sometimes ended in the woman's death, which family members often tried to portray as a suicide or accident. Although most dowry deaths involved lower and middle-class families, the phenomenon crossed both caste and religious lines.

Under the Penal Code, courts must presume that the husband or the wife's in-laws were responsible for every unnatural death of a woman in the first 7 years of marriage—provided that harassment was proven. In such cases, police procedures required that an officer of deputy superintendent rank or above conduct the investigation and that a team of two or more doctors perform the postmortem procedures. According to human rights monitors, in practice police did not follow these procedures consistently. In August the Supreme Court stressed the need to enforce effectively the Dowry Prohibition Act and to increase social awareness; however, there was no indication of improved enforcement or increased awareness.

Sati, the practice of burning widows on the funeral pyres of their husbands, was banned, but continued in a few cases despite the ban. On August 6, a 65-year-old woman died after performing sati on the funeral pyre of her husband in Madhya

Pradesh. The state government ordered a magisterial inquiry into the incident, and subsequently 15 persons were arrested in connection with the incident. At year's end, the suspects faced charges of murder and conspiracy.

Several traditional practices that were harmful to women continued during the year. In April a tribal woman in Madhya Pradesh was forced to immerse herself in urine in a ritual intended to cleanse her of social ostracism; the police arrested four upper caste youths at year's end. In July a married woman in Indore was forced to engage in the practice of "agnipariksha," where her hands were placed in a fire to test her fidelity to her husband, at the request of her in-laws. At year's end, the National Commission had begun an investigation into the incident.

In remote villages, witchcraft accusations and punishments still occurred. In February a woman accused of being a witch was tortured and paraded naked in Rajasthan. Police arrested persons involved in the torture, and the District Collector ordered that the woman be paid $105 (RS 5,040).

Societal violence against women was a serious problem. In February communal violence in Gujarat resulted in the deaths of many women. The violence began on February 27 after a Muslim mob in the town of Godhra attacked and set fire to two train cars carrying Hindu activists. Fifty-eight persons were killed, most of them women and children. In the subsequent riots, Muslim women and girls were raped, and an estimated 2,000 Muslim persons were killed (*see* Section 2.c.). In April a fact-finding team visited Gujarat to document the impact of communal riots on women. A subsequent report stated that Muslim women had been subjected to "unimaginable, inhuman, barbaric" sexual violence during the violence.

Dalit ("untouchable" caste) women have been stripped naked by mobs and paraded around in public to humiliate Dalits who offended other castes. For example, in July two Dalit women allegedly were gang raped and paraded nude in a Sudan village following a land dispute with local businessmen. Police arrested one person in the case. According to HRW, another Dalit woman was paraded naked in Kishanganj in November due to a land dispute.

In Kashmir the Lashkar-e-Jabbar militant group required all Muslim women to wear a burqa (a garment that totally covered the face and body) when in public or risk retribution. A significant number of women in the Kashmir Valley appeared to be complying with the order, frightened by the threat of being attacked with acid, beheaded, or killed. Lashkar-e-Jabbar also further ordered Hindus and Sikhs in the valley to wear identifying marks and told transport companies to reserve 50 percent of their seats for women in an effort to separate men and women in public spaces. At year's end, Al-Badr militants ordered all women police officers in Rajouri District to quit their jobs by January 15, 2003.

In February 2001, the Committee on the Elimination of Discrimination Against Women (CEDAW) of the UNCHR continued to recommend an extensive range of legal reform, additional resources, and affirmative government action to eliminate gender inequality.

Numerous laws exist to protect women's rights, including the Equal Remuneration Act, the Prevention of Immoral Traffic Act, the Sati (Widow Burning) Prevention Act, and the Dowry Prohibition Act. However, the Government often was unable to enforce these laws, especially in rural areas in which traditions were deeply rooted. According to press reports, the rate of acquittal in dowry death cases was high, and because of court backlogs it took 6 to 7 years on average to rule on such cases.

Prostitution was common, with an estimated 2.3 million prostitutes in the country, some 575,000 of whom were children. Many indigenous tribal women were forced into sexual exploitation (*see* Section 6.c.). In recent years, prostitutes began to demand legal rights, licenses, and reemployment training, especially in Mumbai, New Delhi, and Calcutta. In January the Government signed the South Asian Association for Regional Cooperation (SAARC) Convention on Prevention and Combating Trafficking in Women and Children for Prostitution. The country is a significant source, transit point, and destination for many thousands of trafficked women (*see* Section 6.f.).

In 1999 according to NCRB statistics, there were 8,858 cases of sexual harassment. Sexual harassment of women in the workplace became a subject of NHRC consideration during the year. The NHRC instituted a committee to investigate harassment of women in the legal profession and asked universities to establish complaint committees immediately. The commission suggested the creation of a telephone hot line for complaints, initially starting in New Delhi, and gave advice to the media on reporting incidents of harassment against women. The National Commission for Women conducted 18 meetings with 568 representatives of public sector units, including public and private banks, educational institutions, corporations,

universities, and hotels, to examine further issues of compliance to address harassment against women.

The law prohibits discrimination in the workplace, but enforcement was inadequate. In both rural and urban areas, women were paid less than men for doing the same job. Women experienced economic discrimination in access to employment and credit, which acted as an impediment to women owning a business. The promotion of women to managerial positions within businesses often was slower than that of males. State governments supported micro credit programs for women that began to have an impact in many rural districts.

The Government continued to review legislation on marriage; it passed the Indian Divorce (Amendment) Act during 2001; the act widely had been criticized as biased against women. The Act placed limitations on interfaith marriages and specified penalties, such as 10 years' imprisonment, for clergymen who contravened its provisions. Under the Act, no marriage in which one party is a non-Christian may be celebrated in a church (*see* Section 2.c.).

Under many tribal land systems, notably in Bihar, tribal women do not have the right to own land. Other laws relating to the ownership of assets and land accorded women little control over land use, retention, or sale. However, several exceptions existed, such as in Ladakh and Meghalaya, where women had several husbands and controlled the family inheritance.

Children.—The Government has not demonstrated a commitment to children's rights and welfare. The Government does not provide compulsory, free, and universal primary education, and only approximately 59 percent of children between the ages of 5 and 14 attend school. However, during the year, the lower house of Parliament passed a constitutional amendment giving all children ages 6 to 14 the right to free and compulsory education provided by the State. The amendment also placed an obligation on parents and guardians to provide educational opportunities to these children. The amendment awaited the President's endorsement at year's end. Of a primary school-age population of approximately 203 million, approximately 120 million children attended school. However, according to UNICEF, 76.2 percent of all children aged 11 to 13 years were attending school. No significant sectors or groups actively were excluded from education, but children of wealthier families were more likely to attend school than those of poor families. A significant gender gap existed in school attendance, particularly at the secondary level.

Child welfare organizations estimated that there were 500,000 street children nationwide living in abject poverty. A coalition of approximately 50 NGOs conducted a detailed survey in the Calcutta municipal area and identified 145,000 children who were not attending school, although not all of them were street children. The NGOs received UNICEF assistance in training teachers to conduct transitional education for a target group of 45,000 5- to 9-year-old children. The course work was intended to allow these children to enter mainstream schooling. The program aimed to set up an additional 600 schools for the remaining 29,000 children by year's end. Approximately 500 teachers had been trained by year's end.

Medical care is free to all citizens; however, availability and quality were problems, particularly in rural areas.

Child abuse is prohibited specifically by law. The Government stated that child abuse was not a significant problem; however, the Government has not released comprehensive statistics regarding child abuse.

Abuse of children in both public and private educational institutions was a problem. Schoolteachers often beat children. On December 27, police arrested and charged a teacher trainee who allegedly abused a four-year-old student in Mirambika School in New Delhi. In August 2001, schoolchildren in Barpeta district were asked to participate in a statewide peace march organized by the Assam government. Young children were taken in a long procession during the midday heat and were provided insecticide-ridden food as refreshments. Three children died and nearly 1,000 others became ill. The NHRC requested that the Assam Chief Secretary issue a detailed report on the incident and provide prompt medical treatment for the victims. At year's end, the investigation into the incident continued.

The Child Marriage Restraint (Amendment) Act prohibits child marriage, a traditional practice in the northern part of the country. The Act raised the age requirement for marriage for girls to 15 from 18 years, but the Government did not enforce the Act. According to one report, 50 percent of girls in Bihar, Rajasthan, Uttar Pradesh, and Madhya Pradesh were married by age 16. NCRB statistics showed that only 56 cases were registered under the Child Marriage Restraint (Amendment) Act during 1999. Each year in April, during the Hindu festival of Askhay Tritiya, thousands of child marriages were performed in Madhya Pradesh, Chhattisgarh, and Rajasthan. Although state governments conducted awareness

campaigns during the year, enforcement was weak and the practice was accepted in certain communities.

Runaway children, especially in larger cities, were at high risk for sexually transmitted diseases and HIV. They often worked 18- to 20-hour days, frequently in hazardous conditions (*see* Section 6.c.), and suffered sexual and mental abuse.

Trafficking in children for the purpose of forced prostitution was a problem (*see* Sections 6.c. and 6.f.).

The buying and selling of children for adoption occurred. In April 2001, police raided a child adoption racket in Andhra Pradesh. Nearly 200 children were rescued from several orphanages that were involved in the buying and selling of children for adoption. At year's end, police made some arrests and had charged some persons in connection with this incident.

The Union Ministry of Social Justice and Empowerment set up a 24-hour "child help line" phone-in service for children in distress in nine cities. Run by NGOs with government funding, the child help line assisted street children, orphans, destitute children, runaway children, and children suffering abuse and exploitation.

The traditional preference for male children continued. Although the law prohibits the use of amniocentesis and sonogram tests for sex determination, the Government did not enforce the law. The tests were misused widely for sex determination, and termination of a disproportionate number of pregnancies with female fetuses occurred. In the 12 years since the State of Maharashtra passed a law banning the use of such tests for sex determination, the state government filed charges against only one doctor, who was acquitted. Human rights groups estimated that at least 10,000 cases of female infanticide occurred yearly, primarily in poor rural areas. Parts of Tamil Nadu (Dharmapuri, Salem, and Madurai districts) still had high rates of female infanticide. In addition, parents often gave priority in health care and nutrition to male infants. Women's rights groups pointed out that the burden of providing girls with an adequate dowry was one factor that made daughters less desirable.

Persons with Disabilities.—Although the Persons with Disabilities Act provides equal rights to all persons with disabilities, advocacy organizations admitted that its practical effects so far have been minimal in part due to a clause that makes the implementation of programs dependent on the "economic capacity" of the Government. According to regional NGOs, there were more than 50 million persons with disabilities in the country. According to Javed Abidi of the National Center for Promotion of Employment for Disabled People (NCPEDP), the census taken during the year failed to include categories of disability, thus making an accurate estimate of the needs of persons with disabilities impossible. Neither law nor regulations required accessibility for persons with disabilities. With the adoption of the Persons with Disability Act, a nascent disabled rights movement slowly was raising public awareness of the rights of persons with disabilities. Government buildings, educational establishments, and public spaces in New Delhi have almost no provisions for wheelchair access.

The Disabled Division of the Ministry of Welfare had a budget of more than $47 million (RS 2.3 billion) for the 2001–2002 fiscal year for a number of organizations and committees at the national, regional, and local levels. The Ministry delivered rehabilitation services to the rural population through 16 district centers. A national rehabilitation plan committed the Government to put a rehabilitation center in each of more than 400 districts, but services still were concentrated in urban areas. Moreover, the impact of government programs was limited. Significant funding was provided to a few government organizations such as the Artificial Limbs Manufacturing Corporation of India, the National Handicapped Finance and Development Corporation, and the Rehabilitation Council of India.

As a result of the passage of the Persons with Disability Act, there was a Disabilities Commissioner who over saw implementation of the act and its provisions protecting persons with disabilities. In addition, the NHRC formed a group of seven experts in August 2001 to identify issues affecting persons with disabilities, to review government policies, and to protect the rights of persons with disabilities.

According to the Persons with Disability Act, 3 percent of positions in government offices and state-owned enterprises must be reserved for persons with visual, hearing, or orthopedic disabilities; however, a survey conducted in 1999 by the NCPEDP indicated that in the public sector the figure was 0.54 percent and in the private sector 0.28 percent.

The Government provided special railway fares, education allowances, scholarships, customs exemptions, budgetary funds from the Ministry of Rural Development, and rehabilitation training to assist the disabled; however,implementation of these entitlements was not comprehensive.

Mental health care was a problem. Hospitals were overcrowded and served primarily as a "dumping ground" for the mentally handicapped. Patients generally were ill-fed, denied adequate medical attention, and kept in poorly ventilated halls with poor sanitary conditions. In August 2001, 26 inmates at a private Muslim mental hospital in Erwadi, Tamil Nadu, died in a fire, because they were chained to their beds, which apparently was a common practice in many such private institutions. In January 2001, the NHRC wrote to the chief ministers of all states to ask them to abide by recommendations to remove all persons with mental illness from jails; however, by year's end, no action had been taken.

Indigenous Persons.—The Innerline Regulations enacted by the British in 1873 still provide the basis for safeguarding tribal rights in most of the northeastern border states. These regulations prohibit any person, including citizens from other states, from going beyond an inner boundary without a valid permit. No rubber, wax, ivory, or other forest products may be removed from the protected areas without prior authorization. No outsiders were allowed to own land in the tribal areas without approval from tribal authorities.

The last census conducted indicated that 8 percent of citizens belonged to scheduled tribes. According to the Indian Confederation of Indigenous and Tribal People (ICITP), 80 percent of the tribal population live below the poverty level. At year's end, no action had been taken to repeal the Habitual Offenders Act that aimed at the nomadic tribes. According to the ICITP, more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into situations of economic and sexual exploitation (*see* Sections 6.c. and 6.f.). Special courts to hear complaints of atrocities committed against tribal people were to have been established under the Protection of Civil Rights Act, but this never was accomplished.

Despite constitutional safeguards, the rights of indigenous groups in the eastern parts of the country often were ignored. Indigenous peoples suffered discrimination and harassment, were deprived wrongly of their land, and were subjected to torture and to arbitrary arrest. There was encroachment on tribal land in almost every eastern state, including by illegal Bangladeshi immigrants, and by businesses that illegally removed forest and mineral products. Moreover, persons from other backgrounds often usurped places reserved for members of tribes and lower castes in national educational institutions. Mob lynching, arson, and police atrocities against tribal people occurred in many states (*see* Section 1.c.). According to a local NGO, in February 2001 police in Koel-Karo fired on a crowd of 4,000 tribals who had assembled to protest the state government's management of the Koel-Karo dam project and killed 8 persons (*see* Section 1.a.).

Numerous tribal movements demanding the protection of land and property rights. The Jharkhand Movement in Bihar and Orissa and the Bodo Movement in Assam reflected deep economic and social grievances among indigenous peoples. In the Jharkhand area, tribal people complained that they were relegated to unskilled mining jobs, lost their forests to industrial construction, and were displaced by development projects. Largely tribal-populated states from the Jharkand area of Bihar and the Chhatisgarh region of Madhya Pradesh were created. The Jharkhand Adivasi Chhatra Sangh called for "ulgulan" (mass awakening) to fight for the cause of the tribals and to demand a 60 percent reservation for tribals in jobs and education, despite the fact that Jharkhand's tribal population made up only 27 percent of the population.

There was some local autonomy for tribal people in the northeast. In Meghalaya tribal chiefs still wielded influence in certain villages. The Nagaland government controlled the rights to certain mineral resources, and autonomous district councils in Tripura, Assam, and Meghalaya control matters such as education, rural development, and forestry in cooperation with the state governors.

National/Racial/Ethnic Minorities.—The country's caste system has strong historic ties to Hinduism. It delineates clear social strata, assigning highly structured religious, cultural, and social roles to each caste and subcaste. Members of each caste—and frequently each subcaste-are expected to fulfill a specific set of duties (known as dharma) in order to secure elevation to a higher caste through rebirth. Dalits (formerly called untouchables) were viewed by many Hindus as separate from or "below" the caste system; nonetheless, they too were expected to follow their dharma if they hope to achieve caste in a future life. Despite longstanding efforts to eliminate the discriminatory aspects of caste, the practice remained widespread.

The practice of untouchability, which affected those who, along with tribal people, occupied the lowest strata of the caste system was outlawed in theory by the Constitution and the 1955 Civil Rights Act, but it remained an important aspect of life. Untouchability refers to the social restrictions imposed on persons because of their birth into certain Hindu castes. Dalits were considered unclean by higher caste Hin-

dus and thus traditionally were relegated to separate villages or neighborhoods and to low paying and often undesirable occupations (such as scavenging, street sweeping, and removing human waste and dead animals). Many rural Dalits worked as agricultural laborers for higher caste landowners. By custom Dalits may be required to perform tasks for upper caste Hindus without remuneration. The majority of bonded laborers were Dalits (*see* Section 6.c.). Dalits are among the poorest of citizens, generally do not own land, and often are illiterate. They face significant discrimination despite the laws that exist to protect them, and often are prohibited from using the same wells and from attending the same temples as higher caste Hindus, and from marrying persons from higher castes. In addition they face segregation in housing, in land ownership, on roads, and on buses. Dalits tend to be malnourished, lack access to health care, work in poor conditions (*see* Section 6.e.), and face continuing and severe social ostracism. In contrast the highest caste, the Brahmin, with 3.5 percent of the population, holds 78 percent of the judicial positions and approximately 50 percent of parliamentary seats. NGOs reported that crimes committed by higher caste Hindus against Dalits often were unpunished, either because the authorities did not prosecute vigorously such cases or because the crimes were unreported by the victims, who feared retaliation. For example, in October five Dalits youths were killed by a mob, reportedly led by members of the VHP, in Haryana after reports of cow slaughtering in the town. According to HRW, the local leader of the VHP said he had no regrets over the incident and that the life of a cow was worth more than that of five Dalits. A police investigation resulted in 30 arrests; however, there was no further action by year's end. In recent years, groups—including some that use violence—organized to protect Dalit rights.

A survey conducted during 2001 by the Protection of Civil Rights wing of the Tamil Nadu Adidravidar (indigenous peoples) Department identified 191 villages in Tamil Nadu where caste-based oppression and violence, and the practice of untouchability, were prevalent. Several human rights groups believed that this number was too low and human rights groups alleged that in many Tamil Nadu villages, scheduled castes were not allowed to participate in local festivals, own houses or property in upper caste areas, share upper caste burial grounds, or draw water from public wells in upper-caste neighborhoods. The erection of statues of Dalit heroes or of the flags of Dalit parties in public places often became the cause of inter-caste tension. In several village teashops, Dalits were served beverages in separate cups (the so-called two-tumbler system).

According to press reports, some members of the higher caste disagreed with the State Election Commission's decision to reserve the Melavalavu Panchayat presidency for Dalits and forcibly closed the Panchayat office for several days. When the president and his associates filed a complaint with the district authorities about the incident, they were hacked to death.

The Constitution gives the President the authority to identify historically disadvantaged castes, Dalits, and tribal people (members of indigenous groups historically outside the caste system). These "scheduled" castes, Dalits, and tribes were entitled to affirmative action and hiring quotas in employment, benefits from special development funds, and special training programs. The impact of reservations and quotas on society and on the groups they were designed to benefit was a subject of active debate. According to the 1991 census, scheduled castes, including Dalits, made up 16 percent, and scheduled tribes were 8 percent of the country's 1991 population of 846 million. Christians historically rejected the concept of caste; however, because many Christians descended from low caste Hindu families, many continued to suffer the same social and economic limitations that low caste Hindus do, particularly in rural areas. Low caste Hindus who convert to Christianity lose their eligibility for affirmative action programs. Those who become Buddhists or Sikhs do not. In some states, government jobs were reserved for Muslims of low caste descent.

In October the Supreme Court decided that minority-run educational institutions that receive government funding may not determine unilaterally the number of reservations for various groups in their admission policies.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act lists offenses against disadvantaged persons and provides for stiff penalties for offenders. However, this act had only a modest effect in curbing abuse. Human rights NGOs alleged that caste violence was on the increase.

Intercaste violence claimed hundreds of lives annually; it was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh.

Social pressures to enforce rigid caste lines in all social settings led to episodes of vigilante retribution. In Uttar Pradesh in August 2001, a young couple, a Brahmin boy and a Jat (lower caste) girl, were hanged publicly by their own families in front of most of the village as punishment for refusing to break off a cross-caste

relationship. While much more rare in urban settings, such extreme examples of intolerance occured regularly in rural parts of the country.

Complicated social and ethnic divisions in society created severe localized discrimination. For example, the Pardhis, a small former itinerant community in Maharashtra, faced discrimination at the hands of the police and the rest of rural society in the area in which they live. In the town of Kalamb in northern Maharashtra, the police arrested nine members of the Pardhi community as suspects in a robbery case on August 2001. When the Pardhi community held a protest march in August 2001, a mob burned 50 Pardhi homes. Due to sustained pressure from state human rights activists and the local media, the police filed charges against the several persons. The local media, however, frequently was biased against minorities in Maharashtra and continued to report that the Pardhi community burned its own dwellings to qualify for government compensation.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association, and the Government generally respected this right in practice. Workers may establish and join unions of their own choosing without prior authorization. More than 400 million persons made up the country's active work force, and some 30 million of these workers were employed in the formal sector. The rest overwhelmingly were agricultural workers and, to a lesser extent, urban nonindustrial laborers. While some trade unions represented agricultural workers and informal sector workers, most of the country's estimated 13 to 15 million union members were part of the 30-million-member formal sector. Of these 13 to 15 million unionized workers, some 80 percent were members of unions affiliated with one of the 5 major trade union centrals. All major trade union centrals were affiliated to a greater or lesser extent with particular political parties. Central unions stressed their independence and in some cases were attempting to sever previously tight party control. In practice legal protections of worker rights were effective only for the organized industrial sector. Outside the modern industrial sector, laws were difficult to enforce. Union membership was rare in the informal sector.

When abuses, such as intimidation or suppression of legitimate trade union activities, were perpetrated against nationally organized or other large-scale unions or unionized workers, the authorities generally responded by prosecuting and punishing those persons responsible. Unaffiliated unions were not able, in all instances, to secure for themselves the protections and rights provided by law.

The Trade Union Act prohibits discrimination against union members and organizers, and employers are penalized if they discriminate against employees engaged in union activities.

Unions are free to affiliate with international trade union organizations. The Indian National Trade Union Congress and the Hind Mazdoor Sabha were affiliated with the International Confederation of Free Trade Unions (ICFTU), and the All India Trade Union Congress was affiliated with the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is the normal means of setting wages and settling disputes in unionized plants in the organized industrial sector. Trade unions vigorously defended worker interests in this process. Although a system of specialized labor courts adjudicates labor disputes, there were long delays and a backlog of unresolved cases. When the parties are unable to agree on equitable wages, the Government may establish boards of union, management, and government representatives to determine them. The legislation makes a clear distinction between civil servants and other workers. Public service employees have very limited organizing and collective bargaining rights.

Trade unions often exercised the right to strike, but public sector unions were required to give at least 14 days' notice prior to striking. Some states have laws requiring workers in certain nonpublic sector industries to give notice of a planned strike.

The Essential Services Maintenance Act allows the Government to ban strikes and requires conciliation or arbitration in specified "essential" industries. Legal mechanisms exist for challenging the assertion that a given dispute falls within the scope of this act; however, essential services never have been defined in law. The act thus is subject to varying interpretations from state to state. The Maharashtra government passed a law in 1999 banning strikes in essential services, that included transport services, milk supply services the electricity department, and hospitals. The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions, and this prohibition was observed in practice.

The Kerala High Court declared that all general strikes (bandhs) were illegal and that all organizers of protests would be liable for losses caused by shutdowns. The Supreme Court upheld the verdict, drawing attention to the difference between a complete closedown of all activities (bandh) and a general strike (hartal). While it is likely that the ruling was introduced in relation to political strikes, unions stated that it remained a potential threat to their activities. Other court rulings also declared strikes illegal and made striking workers pay damages because consumers and the public suffered during strikes.

According to Ministry of Labor statistics, between January and December 2001 there were 672 strikes and lockouts throughout the country, involving 587,778 workers. In all, 241,187 person-days were lost due to strikes, and 50,154 person-days were lost due to lockouts during this period. In April approximately 10 million workers of government-owned enterprises went on a 1 day strike to protest government plans to amend the labor law. The proposed changes would have made it easier to fire workers. The Industrial Disputes Act prohibits retaliation against strikers, provided that the strike is legal.

There were seven Export Processing Zones (EPZs). Entry into the EPZs ordinarily was limited to employees, and such entry restrictions applied to union organizers. All companies bused their workers directly to and from the factory. While workers in the EPZs have the right to organize and to bargain collectively, union activity was rare. In addition, unions did not pursue vigorously efforts to organize private-sector employees in the years since EPZs were established. Women constituted the majority of the work force in the EPZs. The ICFTU reported that overtime was compulsory in the EPZs, that workers often were employed on temporary contracts with fictitious contractors rather than directly by the company, and that workers feared that complaints about substandard working conditions would result in their being fired.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, such practices were widespread. The Bonded Labor System (Abolition) Act prohibits all bonded labor, by adults and children. Offenders may be sentenced to up to 3 years in prison, but prosecutions were rare. Enforcement of this statute, which was the responsibility of state and local governments, varied from state to state and generally was not effective, due to inadequate resources and to societal acceptance of bonded or forced labor. Labor inspectors at the state and local level had overwhelming case loads, and in many cases, did not receive adequate support or protection to challenge employers, who often had direct access to government officials. On the occasions when inspectors referred violations for prosecution, long court backlogs and inadequate funding for legal counsel frequently resulted in acquittals. NGOs estimated that there were 20 to 65 million bonded laborers in the country, including a large number of children (*see* Section 6.d.). According to HRW, the majority of bonded laborers were Dalits (*see* Section 5), and bondage was passed from generation to generation.

A 1983 Supreme Court decision defined forced labor as work at less than the minimum wage, which usually was set by the state governments. Under this definition, which differed from that of the International Labor Organization (ILO), forced labor was widespread, especially in rural areas.

Bonded labor, the result of a private contractual relationship whereby a worker incurs or inherits debts to a contractor and then must work off the debt plus interest, was illegal but widespread. The Government estimated that between enactment of the Bonded (Abolition) Act in 1976 and March 2001, 280,411 bonded workers were released from their obligations. Other sources maintained that those released constituted only 5 percent of the total number of bonded laborers. State governments provided a sum of money to workers freed from bondage for their rehabilitation. The NHRC formed a high-level Central Action Group, which routinely reviewed compliance with the Bonded Labor System Act. The NHRC also appointed a special Rapporteur to work in Andhra Pradesh, Karnataka, Kerala, and Tamil Nadu and report on compliance. In addition, the NHRC instituted a system for receiving regular reports on bonded labor from the states. The NHRC also assessed the bonded labor problem, identifying state districts in which it especially was acute. It identified and evaluated NGOs working in these areas and conducted training in bonded labor law enforcement for district officials in the acutely affected areas. Some press reports indicated that Tamil Nadu alone had 25,800 bonded laborers, in response to which the state government began implementing and continued to work on rehabilitation plans. In 1999 alone, it allocated $1.25 million (RS 54.4 million) for these plans. Government officials worked to release other bonded laborers in many states. In West Bengal, organized traffic in illegal Bangladeshi immigrants was a source of bonded labor (*see* Section 6.f.).

NGOs such as the Bonded Labor Liberation Front worked to release bonded laborers throughout the year.

Female bondage, forced prostitution, and trafficking in women and children for the purpose of prostitution were widespread problems (*see* Section 6.f.). According to press reports, prison officials used prisoners as domestic servants and sold female prisoners to brothels (*see* Section 1.c.). Devadasis, prepubescent girls given to a Hindu deity or temple as "servants of God," were taken from their families and required to provide sexual services to priests and high caste Hindus. Reportedly many eventually were sold to urban brothels (*see* Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government prohibits forced and bonded child labor but did not enforce this prohibition effectively and forced child labor was a problem. The law prohibits the exploitation of children in the workplace.

The Government continued its plan to eliminate child labor from hazardous industries and eventually from all industries. This program, for which approximately $55 million (RS 2.64 billion) was budgeted since 1992, included the enhanced enforcement of child labor laws, income supplements for families, subsidized school lunches in areas which child labor was concentrated, and a public awareness campaign. The Government continued efforts to enhance enforcement of the Child Labor (Prohibition and Regulation) Act and other laws prohibiting and regulating child labor.

There is no overall minimum age for child labor. However, work by children under 14 years of age was barred completely in "hazardous industries," which includes among other things, passenger, goods, and mail transport by railway. There were 13 occupations and 51 processes in which children were prohibited from working under the act. Child labor was prohibited in certain hazardous industries where there are specific age limits for specific jobs. In occupations and processes in which child labor is permitted, work by children is permissible only for 6 hours between 8 a.m. and 7 p.m., with 1 day's rest weekly.

In addition to industries that utilize forced or indentured child labor (*see* Section 6.c.), there was evidence that child labor was used in the following industries: Hand-knotted carpets; gemstone polishing; leather goods; and sporting goods.

The enforcement of child labor laws was the responsibility of the state governments; however, enforcement was inadequate, especially in the informal sector in which most children who work were employed. In 2001 the state government of Karnataka promulgated an ambitious plan to eliminate all child labor; however, there was no evidence the plan was in operation during the year. The continuing prevalence of child labor was attributed to social acceptance of the practice, to the failure of the state and federal governments to make primary school education compulsory, and to ineffective state and federal government enforcement of existing laws.

The Government established the National Child Labor Project (NCLP) to release children from hazardous work places and provide them with transitional schooling leading to mainstreaming in regular schools and other forms of assistance. In addition, government programs assisted working children in rural development, women and children's development, health, and adult job creation programs. As of December 2001, the NCLP had 100 projects in 13 states. From April 2000 to December 31, 205,800 children participated in the NCLP. During their participation in the NCLP, the children's families were given a small stipend—usually $2.15 to $4.30 (RS 100 to 200) per month.

Government efforts to eliminate child labor affected only a small fraction of children in the workplace. A Supreme Court decision increased penalties for employers of children in hazardous industries to $430 (RS 20,000) per child employed and established a welfare fund for formerly employed children. The Government is required to find employment for an adult member of the child's family or pay $108 (RS 5,000) to the family. According to the South Asian Coalition on Child Servitude the authorities were pursuing some 6,000 cases against employers. The Supreme Court ruling also helped make local government officials more aware of the prohibitions against child labor in hazardous industries. This in some cases helped improve cooperation between local officials and NGOs like SACCS that removed children from hazardous workplaces. In the hand-knotted carpet producing area of Uttar Pradesh, the NHRC and NGOs worked with the state government to establish a task force for the elimination of child labor.

Estimates of the number of child laborers varied widely. The Government census of 1991 put the number of child workers at 11 million. The ILO estimated the number at 44 million, while NGOs stated that the figure is 55 million. Most, if not all, of the 87 million children not in school did housework, worked on family farms, worked alongside their parents as paid agricultural laborers, worked as domestic servants, or otherwise were employed.

The working conditions of domestic servants and children in the workplace often amounted to bonded labor. Children sent from their homes to work because their parents cannot afford to feed them, or in order to pay off a debt incurred by a parent or relative, had no choice. There were no universally accepted figures for the number of bonded child laborers. However, in the carpet industry alone, human rights organizations estimated that there may be as many as 300,000 children working, many of them under conditions that amount to bonded labor. Officials claimed that they were unable to stop this practice because the children were working with their parents' consent. In addition, there was a reasonable basis to believe that products were produced using forced or indentured child labor in the following industries: Brassware; hand-knotted wool carpets; explosive fireworks; footwear; hand-blown glass bangles; hand-made locks; hand-dipped matches; hand-broken quarried stones; hand-spun silk thread and hand-loomed silk cloth; hand-made bricks; and beedis (hand-rolled cigarettes). A number of these industries exposed children to particularly hazardous work conditions (*see* Section 6.d.). In its first attempt to address the issue of domestic child labor, during 2000 the Government issued a notification prohibiting government employees from hiring children as domestic help. Those employers who failed to abide by the law were subject to penalties provided by the Bonded Labor System (Abolition) Act (such as fines and imprisonment) and also to disciplinary action at the workplace.

Bonded child labor in silk twining factories was a problem. The labor commissioner estimated that there were 3,000 bonded child laborers in the Magadi silk twining factories. According to HRW, bonded children as young as 5 years old worked 12 or more hours a day, 6 1/2 or 7 days a week. Children making silk thread dip their hands in boiling water that burns and blisters them. They breathe smoke and fumes from machinery, handle dead worms that cause infections, and guide twisting threats that cut their fingers. As they assist weavers, children sit at cramped looms in damp, dim rooms. They do not go to school and often were often beaten by their employers. By the time they reached adulthood, they were impoverished, illiterate, and often crippled by the work. In response UNICEF started a nonformal education program for the estimated 3,000 bonded child laborers working in the industry. By late 2000, approximately 260 children were enrolled. In addition, UNICEF began a microcredit program for the parents of these children to create income-generating opportunities as an alternative to child labor.

Employers in some industries also took steps to combat child labor. The Carpet Export Promotion Council (CEPC), a quasi- governmental organization that received funding from the Ministry of Textiles, has a membership of 2,500 exporters who subscribed to a code of conduct barring them from purchasing hand-knotted carpets known to have been produced with child labor. The CEPC conducted inspections to insure compliance and allowed members to use voluntarily a government-originated label to signify adherence to the code of conduct. Rugmark, which was a private initiative, operated a similar voluntary label scheme. Rugmark had 250 exporter members who buy carpets from the 28,710 looms registered with Rugmark. However, the CEPC stated that even with the program it was impossible to ensure that a carpet had been produced without child labor, given the difficulties of monitoring a decentralized and geographically dispersed industry. A private-sector research and consulting firm conducted the inspections, which covered only 10 percent of registered looms. The inspectors had difficulty locating unregistered looms. The Government also cooperated with UNICEF, UNESCO, the UNDP, and the ILO in its efforts to eliminate child labor.

The Government participated in the ILO's International Program on the Elimination of Child Labor (IPEC). Approximately 90,000 children were removed from work and received education and stipends through IPEC programs since they began in the country in 1992.

The NHRC, continuing its own child labor agenda, organized NGO programs to provide special schooling, rehabilitation, and family income supplements for children in the glass industry in Firozabad. The NHRC also intervened in individual cases.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The directive principles of the Constitution declare that "the State shall endeavor to secure . . . to all workers . . . a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities." Laws set minimum wages, hours of work, and safety and health standards. Laws governing minimum wages and hours of work generally were observed in industries subject to the Factories Act but largely were not enforced elsewhere and did not ensure acceptable conditions of work for the 90 percent of the work force not subject to the Factories Act.

Minimum wages varied according to the state and to the sector of industry. Such wages provided only a minimal standard of living for a worker and were inadequate to provide a decent standard of living for a worker and family. Most workers employed in units subject to the Factories Act received more than the minimum wage, including mandated bonuses and other benefits. The state governments set a separate minimum wage for agricultural workers but did not enforce it effectively. Some industries, such as the apparel and footwear industries, did not have a prescribed minimum wage in any of the states in which such industries operated.

The Factories Act established an 8-hour workday, a 48-hour workweek, and various standards for working conditions. These standards generally were enforced and accepted in the modern industrial sector, but tended not to be observed in older and less economically robust industries. State governments were responsible for enforcement of the Factories Act. However, the large number of industries covered by a small number of factory inspectors and the inspectors' limited training and susceptibility to bribery resulted in lax enforcement.

The enforcement of safety and health standards also was poor. Although occupational safety and health measures varied widely, in general state and central government resources for inspection and enforcement of standards were adequate. However, as awareness grew, the courts began to take work-related illnesses more seriously.

Industrial accidents continued to occur frequently due to improper enforcement of existing laws. Chemical industries were the most prone to accidents. According to the Director General of Mines' safety rules, mining companies must seal the entrances to abandoned underground mines and opencast mines were to be bulldozed and reforested. These rules seldom were obeyed. According to the Government, during the period from January to September 2001, 192 persons were killed in mining accidents. In February 2001, the collapse of a mine wall led to the death of more than 30 miners. An investigation into the cause of the disaster began during the year. Illegal mining was rampant. In October a fire in the firecracker manufacturing company in Andhra Pradesh killed 13.

Safety conditions tended to be better in the EPZs.

The law does not provide workers with the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment.

Legal foreign workers were protected under the law; however, illegal foreign workers had no protection.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons was a significant problem. NGOs alleged that corruption at the enforcement level helps to perpetuate the problem. The country was a significant source, transit point, and destination for numerous trafficked persons, primarily for the purposes of prostitution and forced labor.

The country was a destination country for Nepali and Bangladeshi women and girls trafficked for the purpose of labor and prostitution. Internal trafficking of women and children was widespread. To a lesser extent, the country is a origin for women and children trafficked to other countries in Asia, the Middle East, and the West. The country serves as a transit point for Bangladeshi girls and women trafficked for sexual exploitation to Pakistan, and for boys trafficked to the Gulf States to work as camel jockeys. NGOs reported that sexual exploitation of children for sex tourism increased sharply in the states of Goa and Kerala.

Child prostitution occurred in the cities, and there were an estimated 575,00 child prostitutes nationwide. According to an ILO estimate, 15 percent of the country's estimated 2.3 million prostitutes were children. More than 2.3 million girls and women were believed to be working in the sex industry against their will within the country at any given time, and more than 200,000 persons were believed to be trafficked into, within, or through the country annually. Women's rights organizations and NGOs estimated that more than 12,000 and perhaps as many as 50,000 women and children were trafficked into the country annually from neighboring states for the sex trade. According to an ILO estimate, 15 percent of the country's estimated 2.3 million prostitutes were children, while the U.N. reported that an estimated 40 percent were below 18 years of age. Many tribal women were forced into sexual exploitation.

Trafficking in, to, and through the country largely was controlled by organized crime.

There was a growing pattern of trafficking in child prostitutes from Nepal. Girls as young as 7 years of age were trafficked from economically depressed neighborhoods in Nepal, Bangladesh, and rural areas to the major prostitution centers of Mumbai, Calcutta, and New Delhi. There were approximately 100,000 to 200,000 women and girls working in brothels in Mumbai and 40,000 to 100,000 in Calcutta.

In Mumbai an estimated 90 percent of sex workers began when they were under 18 years of age; half were from Nepal. A similar profile was believed to exist among female sex workers in Calcutta, although the vast majority of women who were trafficked there came from Bangladesh. NGOs in the region estimated that approximately 6,000 to 10,000 girls were trafficked annually from Nepal to Indian brothels, and that a similar number were trafficked from Bangladesh.

The northeastern states of Meghalaya, Manipur, and Tripura were source areas for internally trafficked women and girls. West Bengal was a source for women and girls trafficked to Mumbai, Delhi, Uttar Pradesh, and Punjab for the commercial sex trade. The women involved in Mumbai's sex trade were mainly from Karnataka, rural Maharashtra, Tamil Nadu, Orissa, Bangladesh, and Nepal.

In West Bengal, the organized traffic in illegal Bangladeshi immigrants was a source of bonded labor. Calcutta was a convenient transit point for traffickers who send Bangladeshis to New Delhi, Mumbai, Uttar Pradesh, and West Asia. Persons sometimes were sold into virtual slavery.

Within the country, women from economically depressed areas often moved into the cities seeking greater economic opportunities, and once there were victimized by traffickers who forced or coerced them into the sex trade. In some cases, family members sold young girls into the sex trade. For example, according to a local NGO researcher, in one village in Uttar Pradesh, girls 1 to 2 years of age were purchased from their parents and adopted by persons who trained them for the sex trade through the use of pornographic materials and then sold them into the sex trade when they were 7 to 12 years old.

Many indigenous tribal women were forced into sexual exploitation. According to the Indian Center for Indigenous and Tribal Peoples (ICITP), more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into economic and sexual exploitation; many came from tribes that were driven off their land by national park schemes. In Punjab persons of both sexes were sold in weekend bazaars, ostensibly as farm labor; many instead were purchased for the purposes of forced sexual services. The Department of Social Welfare suggested that more efficient implementation of ongoing development programs for tribal people in the district offered the best remedy for the child labor problem.

The number of women being trafficked to other countries was comparatively low. In July 2000, authorities cooperated with investigators seeking evidence in the prosecution of Lakreddy Bali Reddy, a U.S. citizen of Indian birth, who was indicted for trafficking minor girls for sexual exploitation from a rural area of Andhra Pradesh to the U.S. Reddy allegedly paid the airfares and expenses of 350 to 400 young men and women aged approximately 13 to 18 years, mostly from low castes, and obtained their passports and visas—ostensibly to work as specialty cooks or laborers in his restaurants or apartment business. However, upon arrival in the U.S., the girls reportedly were put to work in a prostitution ring. Some of the girls claimed that Reddy had sex with them in India after their parents sold them; at least one victim was 12 years old. At year's end, Reddy pled guilty to trafficking and was imprisoned for this crime.

Many boys, some of whom were as young as age 4, were trafficked to West Asia or the Persian Gulf States (especially the United Arab Emirates) and became camel jockeys in camel races. Some such boys end up as beggars in Saudi Arabia during the hajj. The majority of such children worked with the knowledge of their parents, who received as much as $200 (RS 9,300) for their child's labor, although a significant minority simply were kidnaped. The gangs bringing the jockeys earned approximately $150 (RS 6,975) per month from the labor of each child. The usual procedure used for bringing the children to the Gulf States was to have their names added to the passport of a Bangladeshi or Indian woman who already had a visa for the Gulf; the children fraudulently were claimed to be her children. Girls and women were trafficked to the Persian Gulf States to work as domestic workers or sex workers.

The National Commission for Women reported that organized crime played a significant role in the country's sex trafficking trade and that women and children who were trafficked frequently were subjected to extortion, beatings, and rape. How women were trafficked varies widely: Some were abducted forcibly or drugged, while others were made false offers of marriage, employment, or shelter. Poverty, illiteracy, and lack of employment opportunities contributed to the trafficking problem, although organized crime was a common element in all trafficking incidents, as was police corruption and collusion. Although corruption was endemic in the country, there was no known anti-corruption initiative that was linked specifically to corruption as it related to trafficking during the year. NGOs alleged that ignorance, a lack of political resolve to tackle it, and corruption at the enforcement level perpetuated the problem.

Although the police were charged with enforcing the country's laws on prostitution and trafficking in women and children, NGOs, observers, and sex workers uniformly viewed police actions as part of the problem. Sex workers in Mumbai and Calcutta claimed that harassment, extortion, and occasional arrests on soliciting charges usually characterized police intervention. The police seldom were seen as a positive force that addressed the violence of pimps and traffickers while protecting underage girls from bonded sex labor. In May in a raid on a brothel in Pune, the police reportedly discovered that one major brothel owner's cell-phone had the numbers of many senior police officers in its memory. A commonly held view among sex workers and NGOs was that local police and politicians responsible for the redlight areas received bribes from organized crime networks to protect the lucrative sex trade. NGOs, victims, and the media continued to identify corruption at the enforcement level as an impediment to swifter and fairer justice for trafficked women and children.

Victims of trafficking were subject to threats, including emotional blackmail, violence, and confinement, as well as the threat of apprehension by authorities, detention, prosecution and deportation. Most victims of trafficking did not possess identity documents. Once removed from their communities to an area dominated by a different culture and a different language or dialect, it was difficult for victims of trafficking to find their way back home, where they may face social ostracism.

The penalty for traffickers was prescribed by the Immoral Trafficking Prevention Act (ITPA). If the offense had been committed against a child (under 16 years), the punishment was imprisonment for 7 years to life. If the victim was a minor (16 to 18 years), the punishment was from 7 to 14 years. Other penalties under the act range from minimum terms of imprisonment of 1 year for brothel-keeping, to minimum terms of 7 years to life imprisonment for detaining a person, with or without consent, for prostitution.

Immoral Trafficking Prevention Act (ITPA), supplemented by the Penal Code, prohibits trafficking in human beings and contains severe penalties for violations. The Constitution also prohibits trafficking in persons. The ITPA toughened penalties for trafficking in children, particularly by focusing on traffickers, pimps, landlords, and brothel operators, while protecting underage girls as victims. The ITPA required police to use only female police officers to interrogate girls rescued from brothels. The ITPA also required the Government to provide protection and rehabilitation for these rescued girls. In addition, under the ITPA, prostitution is not a crime; the ITPA criminalizes only solicitation or engaging in sex acts in or near a public place. Some NGOs noted that this ambiguity, which was intended to protect trafficking victims, instead was exploited to protect the sex industry.

However, the country's prostitution and trafficking laws were imposed selectively by police; clients and organizers of the sex trade tended not to be penalized, while prostitutes found soliciting or practicing their trade in or near (200 yards) public places were penalized. Due to the selective implementation, the "rescue" of sex workers from brothels often led to their revictimization. Using the ITPA's provisions against soliciting or engaging in sexual acts, police regularly may arrest sex workers, extort money from them, evict them, and take their children from them. Clients of prostitutes, by comparison, largely were immune from any law enforcement threat, as clients committed a crime only if they had engaged in a sex act with a sex worker in a public place or had had sex with a girl under the age of 16 years (statutory rape). Therefore, although the intention of the ITPA was to increase enforcement efforts against the traffickers, pimps, and border operators, the opposite occured; a Calcutta NGO reported that on average, approximately 80 to 90 percent of the arrests made under the ITPA in West Bengal state in the 1990s were of female sex workers. Only a small fraction of arrests made under the ITPA involved traffickers. Implementation of the ITPA's provisions for protection and rehabilitation of women and children who were rescued from the sex trade was extremely poor. NGOs familiar with the legal history of prostitution and trafficking laws regarded the failure of the judiciary to recognize this inequity in the law's implementation as a continuing "blind spot." Over the last several years, arrests and prosecutions under the ITPA remained relatively static, while all indications suggested a growing level of trafficking into and within the country.

NGOs and others alleged that when police took action against brothels suspected of enslaving minors, the resulting police raids often were planned poorly and seldom coordinated with NGOs or government social agencies. NGOs claimed that without advance notice of police raids on brothels, they were not able to lend valuable assistance in identifying and interviewing underage victims. Moreover, police did not seek advice or assistance from NGOs in planning law enforcement action to protect the victims during raids. Therefore, the police action often worsened the situation of the girls and women indebted to traffickers and brothel owners. Girls rescued from

brothels were treated as criminals and often abused sexually by their police rescuers or by the staff of government remand centers, where they were housed temporarily before being brought back to the brothels as a result of the bribes paid by brothel operators, or legally released into the custody of traffickers and madams posing as relatives. In these cases, the debt owned by the girls to the brothel operators and traffickers further increases as the costs of bribing or legally obtaining release of the girls is added to their labor debt.

NGOs also have demanded that special ITPA courts for speedy resolution of cases allow videotaped testimony so that underage victims need not be summoned back for trial. Social welfare agencies of the central and state governments were underfunded and were unable to implement antitrafficking plans effectively. The NGO community took the lead on prevention, protection, and prosecution of trafficking and has a mixed record in securing the cooperation of the state and local police. During the year, police and NGOs rescued 12 minor girls from brothels in New Delhi. The Andhra Pradesh NGO Sthree, registered nine cases and arrested ten traffickers in two Andhra Pradesh districts between May and November. At year's end, six trials were ongoing in connection with these arrests. In separate incidents, Railway Police helped to rescue 41 children from Chennai to Gujarat on September 19 and ten girls in Coimbatore on September 17. There were roughly 80 NGOs in 10 states around the country working for the emancipation and rehabilitation of women and children trafficked into the sex trade. A group on child prostitution established by the NHRC includes representatives from the National Commission for Women, the Department of Women and Child Development, NGOs, and UNICEF. It continued to meet throughout the year to devise means of improving enforcement of legal prohibitions.

Some NGOs were very knowledgeable about the trafficking situation in the brothel areas such as Kamathipura, and could identify traffickers and the locations of girls being held captive by brothel owners. However, most of these NGOs were reluctant to trust the police with this information due to the past conduct of police in brothel raids and the likelihood that many trafficking victims would be arrested and revictimized rather than assisted by such raids. Cooperation among NGOs in sharing information and assessing the magnitude and scope of the trafficking problem in Mumbai has not been significant, although it continued to improve. Some NGOs, particularly in Mumbai, Calcutta, New Delhi, and Pondicherry, worked aggressively to sensitize, train, and create awareness of trafficking among local authorities. The NGO Prerana, which worked closely with government officials, was an example.

Efforts to improve NGO coordination were being made in Calcutta, where 10 NGOs met monthly as part of the Action Against Trafficking and Sexual Exploitation of Children (AATSEC) forum. Every 3 months, the group attempted to meet with its Bangladeshi and Nepalese counterparts. Calcutta NGOs such as Sanlaap also were seeking to build stronger working relationships with local police. As a result of this coordination, Sanlaap built stronger working relationships with police and other law enforcement officials in Calcutta. It organized and sponsored meetings between representatives of the sex workers and police to discuss such issues as violence against women and trafficking. The seminars helped sensitize police to the fact that many of the sex workers were the victims of organized traffickers. Sanlaap has been allowed to place a counselor at the West Bengal Remand Home for Women, where rescued trafficking victims were housed. It also has been permitted to place counselors in police stations within Calcutta's red light district and convinced the courts to release young trafficking victims into its custody, instead of sending them to the remand home.

Training and informational meetings took place under the AATSEC forum, which worked with groups in Nepal and Bangladesh. The NHRC asked the committee that oversees the Hajj (pilgrimage) to require individual passports for children instead of allowing them to be included on that of their escort, in order to reduce trafficking of children. NHRC also advised the Government of West Bengal to make efforts to educate Muslims about child trafficking.

MALDIVES

The Republic of Maldives has a parliamentary style of government with a strong executive. The President appoints the Cabinet, members of the judiciary, and one-sixth of the Parliament. The President derives additional influence from his constitutional roles as the "Supreme authority to propagate the tenets of Islam." Political parties officially were discouraged, and candidates for the unicameral legislature, the People's Majlis, ran as individuals. The Majlis selected a single presi-

dential nominee who was approved or rejected in a national referendum. President Gayoom was approved for a fifth 5-year term in 1998. The Majlis must approve all legislation and is empowered to enact legislation without presidential approval. Civil law is subordinate to Shari'a (Islamic law), but civil law generally is applied in criminal and civil cases. The judiciary was subject to executive influence.

The civilian authorities maintain effective control of the National Security Service (NSS). The NSS includes the armed forces and police, and its members serve in both police and military capacities during their careers. The Director of the NSS reports to the Minister of Defense. The police division investigates crimes, collects intelligence, makes arrests, and enforces house arrest. There were no reports that security forces committed human rights abuses.

Tourism and fishing provide employment for more than one-half of the work force. Tourism accounts for 30 percent of government revenues and roughly 70 percent of foreign exchange receipts. The population is approximately 270,000. Agriculture and manufacturing continue to play a minor role in the economy, which is constrained by a severe shortage of labor and lack of arable land. The per capita gross domestic product (GDP) in 2001 was $2,100 (25,892 Rufiyaa), and the GDP growth rate was approximately 2 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The President's power to appoint a significant portion of the Parliament constrains citizens' ability to change their government. A continued easing of government restrictions and the Press Council's balanced handling of issues related to journalistic standards allowed a greater diversity of views in the media. The Government limits freedom of assembly and association, and does not permit the formation of political parties. There were significant restrictions on the freedom of religion. In the past, the Government has detained arbitrarily and expelled foreigners for proselytizing and detained citizens who converted. Although the Government has undertaken a number of programs addressing women's issues, women faced a variety of legal and social disadvantages. The Government also restricted certain worker rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them. There was an unconfirmed report of beatings or other mistreatment of persons in police custody during the year; however, by year's end this could not be independently verified (*see* Section 1.d.). There were no reports of public floggings (which are allowed under Shari'a as interpreted in the country), as in past years. Punishments usually were confined to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll. The Government generally permitted those who are banished to receive visits by family members.

The country's prison was destroyed by fire in 1999. Following the fire, the Government transferred prisoners to a temporary facility, which housed a fluctuating population of approximately 300 inmates.

Prison conditions at the existing facility, including food and housing, generally were adequate. Prisoners were allowed to work and were given the opportunity for regular exercise and recreation. Spouses were allowed privacy during visits with incarcerated partners. The Government was surveying prison facilities in other countries to incorporate international standards and improvements in the reconstruction of the prison, and it has requested training for prison guards. Women were held separately from men. Children were held separately from adults. Persons arrested for drug use are sent to a "drug rehabilitation center" (on a space available basis) where sleeping quarters and most activities are segregated; although common areas were shared by all.

The Government has permitted prison visits by foreign diplomats. The issue of visits by human rights groups was not known to have arisen during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution states that no person shall be arrested or detained for more than 24 hours without being informed of the grounds for arrest or detention.

Police initiate investigations based on suspicion of criminal activity or in response to written complaints from citizens, police officers, or government officials. They were not required to obtain warrants for arrests. Based on the results of police in-

vestigations, the Attorney General referred cases to the appropriate court. The authorities generally kept the details of a case confidential until they were confident that the charges were likely to be upheld. In the past, persons have been held for long periods without charge, but there were no reports of such occurrences during the year.

Depending upon the charges, a suspect may remain free, be detained in prison, or placed under house arrest for 15 days during investigations. The President may extend pretrial detention for an additional 30 days, but in most cases the suspect is released if not brought to trial within 15 days. Those who are released pending trial may not leave a specific atoll. Within 24 hours of an arrest, an individual must be told of the grounds for the arrest. An individual then can be held for 7 days. If no legal proceedings have been initiated within 7 days, the case is referred to an anonymous 3-member civilian commission appointed by the President that can authorize an additional 15 days of detention. After that time, if legal proceedings still have not been initiated, a judge must sanction the continued detention on a monthly basis. Although there was no right to legal counsel during police interrogation, detainees were granted access to family members. There was no provision for bail.

The Government may prohibit access to a telephone and nonfamily visits to those under house arrest. While there have been no reported cases of incommunicado detention in the past few years, the law does not provide safeguards against this abuse.

There were no reports of religious prisoners during the year; however, there were several reports of religious detainees during the year. The law limits a citizen's right to freedom of expression in order to protect the "basic tenets of Islam." According to Amnesty International and other sources, four individuals were arrested for distributing Islamist and antigovernment literature during the year. By year's end, three of the men were convicted to lengthy prison sentences for extremism and subversion, and the fourth man was released. In addition, a Muslim clergyman reportedly was questioned and temporarily detained during an investigation into accusations that he had made Islamist-tinged sermons in June.

Member of Parliament (M.P.) Abdullah Shakir was arrested in July 2001 and released the following month. There was some dispute as to why he was arrested; the Government states he was arrested on a purely civil matter, which since has been resolved, but international human rights groups claimed that he was arrested for his support of a petition to form political parties in the country (*see* Section 2.b.). In March Shakir's appeal against the 2001 sentence was rejected by the high court.

There were no reports of the external exile of citizens during the year. In the past, the Government sometimes has banished convicted criminals to inhabited atolls away from their home communities, but there were no reports that this occurred during the year.

e. Denial of Fair Public Trial.—The Constitution does not provide for an independent judiciary, and the judiciary is subject to executive influence. In addition to his authority to review High Court decisions, the President influences the judiciary through his power to appoint and dismiss judges, all of whom serve at his pleasure and are not subject to confirmation by the Majlis. The President also may grant pardons and amnesties.

There were three courts: One for civil matters; one for criminal cases; and one for family and juvenile cases. On the recommendation of the Ministry of Justice, the President appoints a principal judge for each court. There was also a High Court in Male, which was independent of the Justice Ministry and which handled a wide range of cases, including politically sensitive ones. The High Court also acts as court of appeals. High Court rulings can be reviewed by a five-member advisory council appointed by the President. The President also has authority to affirm judgments of the High Court, to order a second hearing, or to overturn the Court's decision. In addition to the Male court, there were 204 general courts on the islands.

There were no jury trials. Most trials were public and conducted by judges and magistrates trained in Islamic, civil, and criminal law. Magistrates usually adjudicate cases on outer islands, but when more complex legal questions were involved, the Justice Ministry would send more experienced judges to handle the case.

The Constitution provides that an accused person be presumed innocent until proven guilty, and that an accused person has the right to defend himself "in accordance with Shari'a." During a trial, the accused also may call witnesses, and be assisted by a lawyer. Courts do not provide lawyers to indigent defendants. Judges question the concerned parties and attempt to establish the facts of a case.

Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law as well as in certain acts such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally do not allow legal counsel in court because, according to a local interpretation of Shari'a, all answers and submissions

should come directly from the parties involved. However, the High Court allowed legal counsel in all cases, including those in which the rights to counsel was denied in lower court. Under the country's Islamic practice, the testimony of two women is required to equal that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases, the testimony of men and women were equal (*see* Section 5).

There were no confirmed reports of political prisoners. Human rights agencies alleged that there are political prisoners; however, the Government maintained that these prisoners were convicted of crimes not related to politics.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits security officials from opening or reading letters, telegrams, and wireless messages or monitoring telephone conversations, "except as expressly provided by law." The NSS may open the mail of private citizens and monitor telephone conversations if authorized in the course of a criminal investigation.

Although the Constitution provides that residential premises and dwellings should be inviolable, there is no legal requirement for search or arrest warrants. The Attorney General or a commanding officer of the police must approve the search of private residences.

The Government policy to encourage a concentration of the population on the larger islands continued, and the policy generally was successful in moving a significant number of citizens to the larger islands.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law prohibits public statements that are contrary to Islam, threaten the public order, or are libelous. The Penal Code prohibits inciting citizens against the Government. However, an amendment to the Penal Code decriminalized "true account(s)" by journalists of governmental actions.

Regulations that make publishers responsible for the content of the material they published remain in effect, but no legal actions against publishers were initiated during the year.

The Press Council is composed of lawyers, private and government media representatives, and other government officials. The Council reviews charges of journalistic misconduct (advising the Ministry of Information, Arts, and Culture on measures to be taken against reporters, when appropriate) and promotes professional standards within the media by recommending reforms and making suggestions for improvement. Private journalists have said that they are satisfied with the Council's objectivity and performance. The Government agreed that private journalists, rather than the Government, should take responsibility for preparation of a journalistic code of ethics. Individual newspapers and journals established their own ethical guidelines in many cases.

Most major media outlets were owned either by the Government or its sympathizers. Nonetheless, these sympathetic outlets on occasion strongly criticize the Government.

Almost 200 newspapers and periodicals were registered with the Government, only some of which publish on a regular basis. Aafathis, a morning daily, often was critical of government policy, as was the Monday Times, a weekly English language magazine. Two dailies, Miadhu and Haveeru, were progovernment.

The Government owned and operated the only television and radio stations. It did not interfere with foreign broadcasts or with the sale of satellite receivers. Reports drawn from foreign newscasts were aired on the Government television station. Cable News Network (CNN) was shown daily, uncensored, on local television.

There were no reports of government censorship of the electronic media; nor were there closures of any publications or reports of intimidation of journalists.

Television news and public affairs programming routinely discussed topics of concern and freely criticized government performance. Regular press conferences with government ministers continued. Journalists were more self-confident than in the past; self-censorship appeared to have diminished, although it remained a problem. Since it is not clear when criticism violates the law prohibiting public statements that were contrary to Islam, threaten the public, or were libelous, journalists and publishers continued to watch what they say, particularly on political topics, to avoid censure by the Government.

There were no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values. No seizures of foreign publications were reported during the year.

The Internet is available. There were no government attempts, other than blocking pornographic material, to interfere with its use.

The Government did not restrict academic freedom. Some teachers reportedly are vocal in their criticism of the Government.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly "peaceably and in a manner that does not contravene the law"; however, the Government imposed limits on this right in practice. The Home Ministry permitted public political meetings during electoral campaigns, but limited them to small gatherings on private premises.

The Government imposes some limits on freedom of association. The Government registered clubs and other private associations if they do not contravene Islamic or civil law. While not forbidden by law, the President officially discouraged political parties on the grounds that they were inappropriate to the homogeneous nature of society. The President reaffirmed this position when he decided against a petition to form a political party in June 2001. One signatory to the petition was M.P. Abdullah Shakir, who subsequently was arrested, but was released soon thereafter. Some observers believed his arrest was connected to his support for the creation of political parties in the country, but the Government maintained that he was arrested in connection with a civil matter (*see* Section 1.e.). There were unconfirmed reports that the Government harassed politicians who signed the petition to form political parties. During the year, Mohammed Nasheed lost his seat in the Majlis after he was convicted of petty theft. He reportedly was released from internal exile in late August. Some observers claim that the theft charge was fabricated to punish Nasheed for supporting a movement to form a political party and for his criticism of President Gayoom (*see* Section 3).

During the year, many Majlis members were active and outspoken critics of the Government and called for closer parliamentary examination of government policy.

Although not prohibited, there were no active local human rights groups in the country. The Government has been responsive to requests from foreign governments and international organizations to examine human rights problems (*see* Section 4). While the Government also does not prohibit labor unions, it recognizes neither the right to form them nor the right to strike. There were no reports of efforts to form unions or to strike during the year (*see* Section 6).

c. Freedom of Religion.—Freedom of religion is restricted significantly. The Constitution designates the Sunni branch of Islam as the official state religion, and the Government interprets this provision to impose a requirement that citizens be Muslims. The practice of any religion other than Islam is prohibited by law. Foreign residents are allowed to practice their religion if they do so privately and do not encourage citizens to participate. President Gayoom repeatedly has stated that no other religion should be allowed in the country, and the Home Affairs Ministry has announced special programs to safeguard and strengthen religious unity. The President, the members of the People's Majlis, and cabinet members must be Muslims.

There were no places of worship for adherents of other religions. The Government prohibits the importation of icons and religious statues, but it generally permitted the importation of individual religious literature, such as Bibles, for personal use. It also prohibited non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith was a violation of Shari'a and may result in punishment. In the past, would-be converts have been detained and counseled regarding their conversion from Islam. Foreigners have been detained and expelled for proselytizing. Unlike in previous years, there were no reports of foreigners detained for proselytizing.

Islamic instruction was a mandatory part of the school curriculum, and the Government funds the salaries of religious instructors. The Government has established a Supreme Council of Islamic Affairs to provide guidance on religious matters. The Government also has set standards for individuals who conduct Friday services at mosques to ensure adequate theological qualifications, and to ensure that services were not dominated by radicals.

Under the country's Islamic practice, certain legal provisions discriminate against women (*see* Sections 1.e., 3, and 5).

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens are free to travel at home and abroad, to emigrate, and to return. Because of overcrowding, the Government discouraged migration to the capital island of Male or its surrounding atoll. Foreign workers often were housed at their worksites. Their ability to travel freely was restricted, and they were not allowed to mingle with the local population on the islands.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise during the

year. The Government cooperates with the office of the U.N. High Commissioner for Refugees. There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens' ability to change their government is constrained, and the strong executive exerts significant influence over both the legislature and the judiciary. Under the Constitution, the Majlis chooses a single presidential nominee, who must be a Sunni Muslim male, from a list of self-announced candidates for the nomination. Would-be nominees for president were not permitted to campaign for the nomination. The nominee is then confirmed or rejected by secret ballot in a nationwide referendum. From a field of five candidates, President Gayoom was nominated by the Majlis and was confirmed by referendum for a fifth 5-year term in 1998. Observers from the South Asian Association for Regional Cooperation (SAARC) found the referendum to be free and fair.

The Office of the President was the most powerful political institution. The Constitution gives Shari'a preeminence over civil law and designates the President as the "supreme authority to propagate the tenets" of Islam. The President's authority to appoint one-sixth of the Majlis members, which was one-third of the total needed for nominating the president, provided the president with a power base and strong political leverage. The President also was Commander in Chief of the armed forces, the Minister of Defense and National Security, the Minister of Finance and Treasury, and the Governor of the Maldivian Monetary Authority.

The elected members of the Majlis, who must be Muslims, serve 5-year terms. All citizens over 21 years of age may vote. Of the body's 50 members, 42 are elected and the President appoints 8 members. Individuals or groups were free to approach members of the Majlis with grievances or opinions on proposed legislation, and any member may introduce legislation. There were no political parties, which were officially discouraged (*see* Section 2.b.).

Relations between the Government and the Majlis have been constructive. The Government may introduce legislation but may not enact a bill into law without the Majlis' approval. The Majlis may enact legislation into law without presidential assent if the President fails to act on the proposal within 30 days or if a bill is repassed with a two-thirds majority. In the past few years, the Majlis increasingly have become independent, challenging government policies and rejecting government-proposed legislation.

For the past several years, the Majlis have held a question period during which members may question government ministers about public policy. Debate on the floor since the question period was instituted has become increasingly sharp and open.

Elections to the People's Majlis last were held in 1999. According to observers from the SAARC, the elections were generally free and fair. A by-election was held in April following the controversial expulsion of M.P. Mohammed Nasheed from the Majlis, upon his conviction for theft (*see* Section 2.b.). According to observers, the election was generally free and fair.

There were 5 women in the 48-member Majlis. There was one woman in the Cabinet. Women were not eligible to become president but may hold other government posts. However, for reasons of tradition and culture, relatively few women sought or were selected for public office. In December 2001, the position of Atoll Chief of Felidhe was awarded to a women, Haseena Moosa. In order to increase participation by women in the political process, the Government continued a political awareness campaign in the atolls. In the November 1999 elections, six women ran for seats and two were elected. During the 1999 elections, observers from the SAARC noted that women participated equally in the electoral process. Following the elections, President Gayoom appointed an additional three women to the Majlis.

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

Although not prohibited, there were no active local human rights groups. The Government has been very responsive to the interest of foreign governments in examining human rights problems. A number of international human rights organizations, such as UNICEF, are present in the country. The Government cooperated with these international organizations.

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

The Constitution provides for the equality of all citizens before the law, but there is no specific provision to prohibit discrimination based on race, sex, religion, disability, or social status. Women traditionally have been disadvantaged, particularly

in terms of the application of Shari'a, in matters such as divorce, education, inheritance, and testimony in legal proceedings.

Women.—Women's rights advocates agreed that domestic violence and other forms of violence against women were not widespread. There were no firm data on the extent of violence against women because of the value attached to privacy. Police officials reported that they received few complaints of assaults against women. Rape and other violent crimes against women were extremely rare. Under Shari'a the penalty would be flogging, banishment, or imprisonment for up to 5 years.

Although women traditionally have played a subordinate role in society, they participate in public life in growing numbers and gradually are participating at higher levels. During the year, there was one woman minister, the Minister of Women's Affairs and Social Welfare, and one women nominated to the position of Atoll Chief (*see* Section 3). Women constitute 38 percent of government employees, and approximately 10 percent of uniformed NSS personnel. Well-educated women maintained that cultural norms, not the law, inhibit women's education and career choices. However, during the year, the Government continued law literacy programs and workshops on gender and political awareness in the outer atolls to make women aware of their legal rights. The Government also has built 15 women's centers in the atolls, which are facilities where family health workers can provide medical services. The centers also provide libraries and space for meetings and other activities with a focus on the development of women. In addition, in July 2001 the Government passed a family law that makes 18 years of age the minimum age of marriage for women.

Under Islamic practice, husbands may divorce their wives more easily than vice versa, absent any mutual agreement to divorce. Shari'a also governs intestate inheritance, granting male heirs twice the share of female heirs. A woman's testimony was equal only to one-half of that of a man in matters involving adultery, finance, and inheritance (*see* Section 1.e.). Women who work for wages receive pay equal to that of men in the same positions.

In 2000 the Cabinet created a Gender Equality Council to serve as an advisory body to the Government to help strengthen the role of women in society and to help ensure equal participation by women in the country's development; however, there were no reports of specific council actions during the year.

Children.—The Government does not have a program of compulsory education, but it provided universal access to free primary education. The percentage of school-age children in school in 2001 was: (grades 1 to 5) 99 percent; (grades 6 to 7) 96 percent; and grades (8 to 10) 51 percent. Of the students enrolled, 49 percent were female and 51 percent are male. In many instances, education for girls was curtailed after the seventh grade, largely because parents do not allow girls to leave their home island for an island having a secondary school. Nevertheless, women enjoyed a higher literacy rate (98 percent) than men (96 percent).

Children's rights were incorporated into law, which specifically protects them from both physical and psychological abuse, including abuse at the hands of teachers or parents. The Ministry of Women's Affairs and Social Welfare has the authority to enforce this law, takes its responsibility seriously, and has received strong popular support for its efforts. Although unable to provide an exact number, the Ministry noted that there continued to be reports of child abuse during the year, including sexual abuse. Penalties for the sexual abuse of children range from banishment to imprisonment for up to 3 years. It is not known if there were any prosecutions for child abuse or child sexual abuse during the year. At year's end, the Government was reviewing the law to see if improvements and additional protections are necessary.

The Government was committed to the protection of children's rights and welfare. The Government was working with UNICEF to implement the rights provided for in the U.N. Convention on the Rights of the Child. The Government has established a National Council for the Protection of the Rights of the Child. Government policy provided for equal access to educational and health programs for both male and female children. In May the Government ratified two Optional Protocols, on the Children in Armed Conflict and Sale of Children, of the U.N. Convention on Children.

Persons with Disabilities.—There is no law that specifically addresses the rights of persons with physical or mental disabilities. In 1999 the Government initiated a survey that identified 30,000 persons with disabilities in the country (primarily hearing and visually impaired). The Government has established programs and provided services for persons with disabilities.

Persons with disabilities usually were cared for by their families. When family care was unavailable, persons with disabilities were kept in the Institute for Needy People, which also assisted elderly persons. The Government provided free medica-

tion for all persons with mental disabilities in the islands, and mobile teams regularly visited patients with mental disabilities.

Section 6. Worker Rights

a. The Right of Association.—While the Government does not expressly prohibit unions, it recognizes neither the right to form them nor the right to strike. However, small groups of similarly employed workers with mutual interests have formed associations, which include employers as well as employees. These associations may address a variety of issues, including workers' rights.

The work force consisted of between 70,000 and 75,000 persons, including expatriate labor and seasonal and part-time workers. The approximately 27,000 foreigners who work in the country make up almost half of the workers in the formal sector; most are employed in hotels, the retail and wholesale trade, factories, or on construction projects. The Government employed approximately 22,000 persons, both permanent and temporary. It estimated that the manufacturing sector employs approximately 15 percent of the labor force and tourism another 10 percent.

There are no laws specifically prohibiting antiunion discrimination by employers against union members or organizers.

Although workers can affiliate with international labor federations, this generally has not been the case. However, it is believed some seamen have joined such federations.

In 1995 the U.S. Government suspended the country's eligibility for tariff preferences under the U.S. Generalized System of Preferences because the Government failed to take steps to afford internationally recognized worker rights to workers.

b. The Right to Organize and Bargain Collectively.—The law neither prohibits nor protects workers' rights to organize and bargain collectively. Wages in the private sector are set by contract between employers and employees and are usually based on the rates for similar work in the public sector.

There were no reports of efforts to form unions or of strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law does not prohibit forced or bonded labor, including by children; however, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no compulsory education law, but almost 98 percent of school-age children to grade 7 were enrolled in school (*see* Section 5). The law bars children under 14 years of age from "places of waged work and from work that is not suitable for that child's age, health, or physical ability or that might obstruct the education or adversely affect the mentality or behavior of the child." The law also prohibits government employment of children under the age of 16. There were no reports of children being employed in the small industrial sector, although children work in family fishing, agricultural, and commercial activities. The hours of work of young workers were not limited specifically by statute. A Unit for Children's Rights in the Ministry of Women's Affairs and Social Welfare is responsible only for monitoring compliance with the child labor regulations, not enforcement.

e. Acceptable Conditions of Work.—The regulations for employee relations specify the terms that must be incorporated into employment contracts and address such issues as training, work hours, safety, remuneration, leave, fines, and termination. There was no national minimum wage for the private sector, although the Government has established wage floors for certain kinds of work such as government employment, which provided a decent standard of living for a worker and family. Given the severe shortage of labor, employers must offer competitive pay and conditions to attract skilled workers.

There were no statutory provisions for hours of work, but the regulations required that a work contract specify the normal work and overtime hours on a weekly or monthly basis. In the public sector, a 7 hour day and a 5 day workweek have been established through administrative circulars from the President's office. Overtime pay in the public sector was instituted in 1990. There are no laws governing health and safety conditions. There were regulatory requirements that employers provide a safe working environment and ensure the observance of safety measures. It was unclear whether workers can remove themselves from unsafe working conditions without risking the loss of their jobs. The Ministry of Trade, Industries, and Labor has a Labor Dispute Settlement Unit to resolve wage and labor disputes and to visit worksites and enforce labor regulations.

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

try. The Attorney General's Office believes that should a case arise, it could be addressed under Shari'a.

NEPAL

Nepal is a constitutional monarchy with a parliamentary form of government. In 1990 the late King Birendra, formerly an absolute monarch, legalized political parties, after which an interim government promulgated a new Constitution. King Birendra's brother, King Gyanendra, assumed the throne on June 4, 2001, after the late Crown Prince Dipendra apparently killed King Birendra and nine members of the royal family. The democratically elected Parliament consists of the House of Representatives (lower house) and the National Assembly (upper house). In 1999 the country's third national parliamentary elections were held, which international observers considered to be generally free and fair. At the request of Prime Minister Sher Bahadur Deuba, King Gyanendra dissolved Parliament in May and set midterm elections for November 13. In October the King dissolved the caretaker government, postponed elections indefinitely, and asked all major political parties to nominate members to an interim Cabinet. On October 11, the King appointed Lokendra Bahadur Chand as Prime Minister of an interim government. After Maoist insurgents broke a 4-month ceasefire with a series of violent attacks in November 2001, King Gyanendra, acting on the advice of the Cabinet of Ministers, declared a nationwide state of emergency which remained in effect until it expired on August 28. Under the Constitution's emergency provisions, the King suspended several constitutional rights, including the right to assembly, the right to public information, and the rights to opinion and expression. These rights were restored after the expiration of the emergency on August 28. The Constitution provides for an independent judiciary; however, the courts often were inefficient and susceptible to political pressure and corruption.

In 1996 the leaders of the Maoist United People's Front ("Maoists") launched a "People's War" that has led to continued violence in 74 of the country's 75 districts. The insurrection has been waged through torture, killings, bombings, extortion, and intimidation against civilians and public officials.

The Royal Nepal Army (RNA) assumed responsibility for internal security from the National Police Force at the beginning of the state of emergency in November 2001 and continued this responsibility during the year. The Army maintained internal security and was subject to effective control of the King, who was its Supreme Commander. The National Police Force continued to be subject to effective civilian control. Local Chief District Officers (CDO's), who were civil servants in the Home Ministry, have wide discretion in maintaining law and order. An Act passed by Parliament in August 2001 provided for the establishment of the paramilitary Armed Police Force (APF). There were reports of the arbitrary or unlawful deprivation of life committed by the by the security forces. Some members of the security forces committed numerous serious human rights abuses.

The country is extremely poor, with an annual per capita gross domestic product of approximately $242; the population is 23.2 million. More than 80 percent of the country's population support themselves through subsistence agriculture. Principal crops include rice, wheat, maize, jute, and potatoes. Tourism and the export of carpets and garments were the major sources of foreign exchange. Foreign aid accounted for more than half of the development budget. The economy was mixed, with 39 public sector firms. Seventeen former government firms have been privatized or liquidated since 1992, although the rate of privatization was slow.

The Government's human rights record remained poor, and it continued to commit numerous abuses. The security forces used unwarranted lethal force and continued to abuse detainees, using torture as punishment or to extract confessions. Impunity remained a problem. In the beginning of the state of emergency in November 2001 the Government stated that restrictions were targeted only at Maoist insurgents; however, the security forces were given broad latitude to arrest and detain individuals suspected of Maoist sympathies. The National Human Rights Commission (NHRC) investigated allegations of human rights violations and recommended compensation for victims and penalties for police officers who commit abuses. While the Government had begun to pay compensation to some victims, the police officers involved seldom were punished. The disappearance of persons in custody was a problem. Prison conditions remained poor. The authorities used arbitrary arrest and detention. Following the state of emergency declaration, the King promulgated the Terrorist Ordinance that defined a number of crimes, including taking up arms against the sovereignty and security of the country, as acts of terrorism. The Ordinance also allowed the Government to declare individuals as terrorists and detain

them for up to 90 days without charge; to hold persons under house arrest; and to set up special courts for terrorists. The King also promulgated a second order designating members of the Communist Party of Nepal (Maoists) and individuals involved with or assisting the Maoists as terrorists. After the expiration of the state of emergency on August 28, Maoist suspects were detained under the Terrorist and Destructive Activities Act, which was passed by Parliament on April 4. The Act allowed suspects to be detained without charge for up to 60 days and to be held in preventive detention for up to 90 days. The Act provides for immunity for members of the security forces or others who undertake "bona fide" actions to control terrorism. During the year, none of the cases filed against Maoist suspects under the special anti-terrorism legislation were tried. Lengthy pretrial detention, judicial susceptibility to political pressure and corruption, and long delays in trial procedures remained problems. The Government at times imposed some restrictions on freedom of expression, and the media practiced self-censorship. After the November 2001 declaration of the state of emergency, several journalists and other individuals working for Maoist-affiliated newspapers were arrested and the newspapers closed down. Freedom of assembly was one of the constitutional rights suspended after the declaration of emergency; however, the Government subsequently clarified that only rallies and demonstrations by Maoist-affiliated organizations were banned during the emergency. In practice, only a few mass meeting or rallies took place during the emergency. The Government restricted certain public celebrations by the Tibetan community. The Constitution imposes restrictions on proselytizing to spread religion. Women, persons with disabilities, and lower castes suffered from widespread discrimination. Violence against women, trafficking in women and girls for prostitution, and child labor also remained serious problems. There have been instances of forced child labor and forced labor in the past, but there were no cases reported during the year. Nepal was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

During the year, the Maoists increased the scope of their campaign, frequently committing torture, killings, bombings, forcibly conscripting children, and other abuses.

On February 21, the Government passed a law that prohibited the practice of bonded "Kamaiya" laborers, established district-level committees to supervise the rehabilitation of former Kamaiya laborers, and provided for fines and other judicial measures for employers who use Kamaiya labor. In March the Parliament passed a law allowing unmarried adult women equal rights to inherit property from their parents. In July the RNA created a human rights cell under its Adjutant General Department to investigate reports of human rights violations. During the year, the human rights cell conducted 8 investigations and in two cases, the soldiers involved were disciplined; however, no person faced a court martial.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The security forces continued to commit extrajudicial killings. The Terrorism and Destructive Activities Act passed by Parliament in April provides for immunity for members of the security forces or other who undertake "bona fide" actions to control terrorism. Unlike the previous year, there were no reports that police killed persons while trying to control violent demonstrations. According to Amnesty International (AI), some observers found the number of prisoners taken under battlefield conditions to be low and concluded that many Maoist fighters apparently were killed rather than taken prisoner.

Police also were responsible for deaths in custody. For example, on March 15 soldiers arrested Kancha Dongol in Kathmandu on suspicion of Maoist activities. An autopsy revealed he had been shot twice and was severely beaten. After an initial investigation, two soldiers were disciplined for dereliction of duty; further investigation into the incident by the RNA was pending at year's end. On March 27, police in Rayapur, Saptari shot and killed Ajabwal Yadav while in police custody, according to local NGO the Informal Sector Service Center (INSEC). On May 2, INSEC reported the custodial death of Sakur Manihar in Krishna Nagar, Kapilabastu. According to INSEC, some of his relatives believed he was beaten to death during his detention at the police station in Kapilabastu. On June 26, the local media reported that police in Kathmandu killed Krishna Sen, a Maoist Central Committee member and editor of the Maoist newspaper Jana Disha, while in police custody. According to a local human rights organization, Krishna Sen's body reportedly had been brought to a Kathmandu hospital by the police and then quickly taken for cremation. The Government officially denied the report and claimed that it had no infor-

mation on Sen's arrest (*see* Section2.a.). On August 4, police brought the body of Ram Hari Khadga, who had been arrested earlier that day, to a hospital for an autopsy. According to the police report, Khadga died while he attempted to jump from a police vehicle while in motion. However, the autopsy found injuries to his back, upper and lower limbs, and head consistent with multiple blunt blows to the head. The autopsy determined Khadga likely had been beaten to death.

There were no developments in the following 2001 cases: The death of Bhadur Ale Magaar and Rita Banjara; the police killing of suspected Maoist Madan Shestha; the death in custody of Kul Bahadur Malla, Chandra Jumari B.K., and Tika Kumari Khatri in Tatopani; the police killing of Prakash Ojha in Morang District; the police killing of Chandradip Yadav, Uttimlal Yadav, and Devkumar Yadav; the investigation of the police killing Bishnu Rai; the killing of Jit Bahadur Ghatri (*see* Section 1.c.); or the January 2001 killing of five robbery suspects in a jungle in Bara District.

On February 26, a member of the APF shot and killed a 14-year-old girl in Chaumala, Kailali. According to press reports, the APF member may have had a personal dispute with the girl's family. The APF arrested the member and turned him over to the police for investigation. At year's end, the policeman remained in jail awaiting trial.

Civilians continued to be killed by security forces. In most cases of unlawful or extrajudicial killings, the security forces claimed that the victims were members of the Maoists. For example, according to AI, on January 6, security forces killed 14-year-old Dalle Nepali in Pipaltari, Myagdi district, while he was trying to run away without making an attempt to arrest him. Security forces claimed the boy was a member of the Maoists who had been killed while trying to escape from a search operation. On February 26, soldiers shot and killed 32 laborers in Kalikot District. According to press and human rights reports, Maoists hid at the laborers' camp; however, they had reportedly fled by the time the Army arrived. A Ministry of Defense press released noted only that security forces killed 67 "Maoists" in Kalikot from February 22–25. A Royal Nepal Army (RNA) investigation concluded that the laborers killed were Maoist activists. On March 12, 10 members of the National People's Front, a left-wing political party, were summoned to an army camp in Bhingithe, Baglung District. Seven of the 10 persons were released, and the bodies of the remaining three were found by villagers the following day. The RNA said the three persons were Maoists who were killed while trying to escape. On July 22, RNA troops conducting a joint operation with police in Sarahawa, Bardiya, shot and killed 12-year-old Rupa Tharu. After conducting an investigation, the RNA recommended that her family be paid compensation for her death. On October 29, a joint police and RNA patrol in Pandusen, Bajura reportedly shot and killed Maoist suspect Padum Bahadur Shahi near a field where he was working with other family members. On November 27, RNA soldiers fired upon 5 boys returning after midnight from funeral rites for a relative in Nuwakot District. The five boys, ranging in age from 14 to 19, were killed. The local commander said the boys were approaching a security perimeter and failed to heed an order to halt. After an investigation was conducted into the incident, the RNA recommended that the boys' families be paid compensation for their deaths. In November five citizens attending a religious ceremony in Rolpa District were killed by gunshots fired from an RNA-manned helicopter. The RNA investigated the incident and found that the aircraft had been fired upon first, therefore no persons have been charged in connection with the killings. On December 4, RNA troops shot and killed nine persons, ranging in age from 14 to 23 who were celebrating a festival in Laximpur, Dang District. The RNA contended that the nine persons were Maoists. At year's end, there reportedly was no action taken against the responsible members of the RNA for the deaths.

During the year, the RNA investigated the 2001 incident of 16-year-old Jitendra Tharu and claimed that Tharu was killed in the crossfire between the police and Maoists. Another local human rights organization reported that RNA troops shot and killed 11 villagers holding a meeting in Dang District in November 2001. During the year, the RNA investigated the incident and determined that the army units were fired upon first.

There were no developments in the November 2001 killing of eight Maoists, four NGO employees, and a local civilian, or in the December 2001 death of Dil Bahadur Ram.

Unlike in previous years, there were no reports that police fired into crowds during the year. In May 2001, police fired into a crowd in Lamjung protesting government corruption, killing Shuk Man Gurung, the Khudi Village Development Chairman.

In September 2001, police in Parsa District in the south-central part of the country shot and killed one civilian while attempting to quell a riot between long-time

residents of the lowland area and alleged Maoist migrants from the hills. The incident was under investigation by the Home Ministry at year's end.

In October 2001, police in Tulsipur, Dang District, shot into a crowd of violent rioters, killing a 25-year-old man and injuring nine others. The rioters were vandalizing and setting fire to buses in protest after a bus hit and killed two students.

The Appellate Court in Lalitpur was investigating the cases of five persons killed by police attempting to control violent riots at the end of December 2000 in Kathmandu. According to the Home Ministry, the Government has paid the families of the deceased slightly more than $650 each (NRs 50,000) and fined the officers involved.

Police, armed personnel, insurgents, and noncombatants continue to be killed in the increasingly violent "People's War." Launched in 1996 by leaders Pushpa Kamal Dahal ("Prachanda") and Baburam Bhattarai, the "People's War" is a self-declared Maoist insurgency. The Government continued to commit human rights abuses in its efforts to combat the insurgency. Approximately 3,040 Maoists were killed by security forces during the year. Some of the deaths were believed to have been extrajudicial killings. In August 2001, the NHRC recommended disciplinary action against police officials responsible for ordering police to fire into a meeting of the Maoist-affiliated All Nepal Women's Association in Bharatpur in late 2000, killing one woman and injuring several others. The Commission also has recommended that the Government pay compensation of more than $1,300 (NRs 100,000) to the family of the woman who was killed and lesser amounts to four of the injured.

Maoists were responsible for numerous abuses. Maoist rebels clashed with security forces repeatedly during the year. Police fatalities totaled 446; RNA fatalities totaled 204; and APF fatalities totaled 96 for the year. For example, on January 28, three policemen, including the Officer in Charge of the District, were killed when their vehicle hit a landmine in Kailali. On September 7, 49 policemen were killed by Maoists in a police post in Bhiman, Sindhuli. On September 8, 32 policemen were killed in a Maoist attack on district headquarters in Sandhikharkha, Arghakhanchi. On November 15, 33 policemen were killed in a Maoist attack on the district headquarter in Jumla.

On April 12, Maoists attacked an APF post in Satbariya, Dang, killing 37 members of the paramilitary force. On May 7, 17 APF members were killed in an attack in Gam, Rolpa.

On February 17, 55 RNA members were killed when Maoists attacked district headquarters in Mangelsen, Achham. On May 7, Maoists attacked a combined police/army post in Gam, Rolpa, killing 35 soldiers. On September 8, Maoists attacked a district headquarters in Sandhikharkha, Arghakhanchi, and killed 17 soldiers. On November 15, 4 soldiers were killed in a Maoist attack on district headquarters in Jumla.

Although their activities were focused on the security forces, the Maoists continued to kill and injure civilians and politicians. The insurgents killed 518 civilians during the year. For example, on January 16, Maoists abducted, shot, and killed schoolteacher and local AI Coordinator Mukti Nath Adhikari in Chandeshwor, Lamjung (*see* Section 4). On February 22, Maoists torched a bus and killed five persons in Bandhara, Chitwan, including an 8-year-old girl. On March 12, Village Development Chairman Ram Mani Gyawali was tortured and killed in Kerung, Arghakhanchi. On March 21, Maoists abducted and killed Lekhnath Gautam, a teacher and a local AI member. On May 31, the program director for the NGO Plan International, Ishwor Lal Joshi, was shot and killed in Baitadi District. On June 4, local Nepal Red Cross Vice President Dhruva Dev Acharya was shot and killed by Maoists in Devghat, Tanahun. According to AI, on July 9, 300 Maoists dragged all male villagers above age 15 from their homes in Banke district. The Maoists proceeded to beat 25 persons with clubs, rifle butts, and spears, after accusing them of handing over two Maoists to the police earlier in the day. Two men died after the beatings and several others were wounded severely. On August 16, Manohar Pratap Malla, the son of a former minister, was killed by Maoists in Dhanusha District. On November 9, a Nepali contract guard supervisor was shot and killed by Maoists in his home in Kathmandu. On November 14, Maoists killed Chakra Bahadur Dagaura, a UML member of parliament, in the western district of Kailali. The motive behind the killing remained unclear; however, family members claimed that Dagaura had refused to donate money to the militants.

Although their activities were focused on the Government, Maoists also used bombs on civilians. On March 2, a 16-year-old student was killed in a Maoist bomb blast at a school in Siddhikali, Sankhuwasabha. On September 16, Shiva Pariyar was killed by a bomb during a Maoist general strike in Hamja, Kaski. On November 8, a 14-year-old boy was killed in a Maoist bomb blast in Banepa, Kavre.

In December 2001, Maoists stabbed Nepali Congress activist Megh Bahadur Baniya to death in Chinnebas, Syangja District. In December 2001, two assailants claiming to be Maoists shot and killed Ramesh Manandhar, a plainclothes foreign Embassy guard, on duty in Kathmandu. In December 2001, a group of 15–20 Maoists in Dailekh District beat to death Janak Thapa. In December 2001, Maoists killed a primary school headmaster and a former President of the Village Development Committee in Gorkha District. In December 2001, Maoists shot and killed a 23-year-old man in Tara Khola, Baglung District.

The Government and the Maoists declared a ceasefire in July 2001 and held three rounds of talks in August, September, and November 2001. Following the third round of talks, the Maoists unilaterally broke the ceasefire in November 2001 with attacks on police, army, and APF personnel in several districts. The insurgency has resulted in the deaths of an estimated 6,600 persons, including 954 policemen; 238 soldiers; 102 members of the APF; 858 civilians; and 4,444 insurgents.

In September 2001, several villagers beat to death 60-year-old Malechhiya Devi in Bela Ekdara, Mahottari District, on suspicion of witchcraft. One person has been jailed in connection with the case; four others absconded (*see* Section 5).

b. Disappearance.—The disappearance of persons while in the custody of the security forces is a problem. On April 4, Parliament passed the Terrorist and Destructive Activities Act, which contains many of the same anti-terrorism features as the Ordinance, but without the accompanying restrictions on civil rights. According to the INSEC, 269 civilians have disappeared in government custody since 1996 and 32 have disappeared during the year. According to AI 66 persons have disappeared in government custody during the year. According to AI, on July 2, Som Bahadur Ghale Tamang, General Secretary of the Tamang Indigenous People's Organization, disappeared after he reportedly was arrested by members of the APF in his home in Kathmandu. The previous day he had participated in a peaceful march for indigenous rights in Kathmandu.

On June 11, Khim Lal Devkota, a member of the Nepal Bar Association, was arrested at his law firm in Kathmandu. After the police and the Army denied having detained Devkota, a habeas corpus petition was filed with the Supreme Court by his wife on June 18. Devkota was released from detention after the Supreme Court ordered his release September 24.

According to AI, on July 15, Bishnu Prasad Gyawali was arrested by soldiers from his shop in Fulbari, Kailali District. Authorities claim that Gyawali was arrested on suspicion of having supplied food to the Maoists. Authorities have acknowledged his detainment; however, they have given no information about his whereabouts or allowed his family to visit him.

On July 29, Bishnu Pukar Shrestha, a teacher and a member of the Maoists' Joint Revolutionary Council, reportedly was arrested from his Kathmandu home by plainclothes security personnel. He subsequently was released on December 16 (*see* Section 4). According to local press reports, on August 19, security forces arrested Tendi Sherpa, advisor to the Nepal Sherpa Students' Forum and president of a local unit of the All Nepal National Free Students' Union. The police and the Army maintain that they have no knowledge of the whereabouts of Tendi Sherpa.

There were no developments in the disappearances of Shiva Prasad Sharma in February 2001, and Dinesh Sharma in November 2000.

Police statistics indicate that the Maoists have abducted 227 policemen since 1996. During the year, 6 of the 227 remained missing. On July 13, 2001 Maoists surrounded a police post in Rolpa in the west, taking dozens of policemen hostage. The Army subsequently confronted the insurgents, and a standoff ensued. Representatives of human rights groups who arrived in Rolpa within days to mediate state that the Maoists released 22 of the police hostages at that time, and may have released more thereafter. Since no hostages were handed over directly to the Government, the Government cannot confirm those releases. In September 2001, the Maoists released 5 policemen previously captured in Banke, and in 2001 released 17 of those captured in Rolpa to the International Committee of the Red Cross (ICRC). In October 2001, Maoists released an additional eight policemen to the ICRC. According to the Home Ministry, all of the police originally missing from Rolpa have been accounted for.

According to the Government, the Maoists have abducted 968 civilians since 1996. INSEC reported that Maoists abducted 132 persons during the year and that at year's end 470 civilians remained missing since the beginning of the insurgency in 1996. On May 7, Maoists kidnaped Om Kumar Amoli, a high school principal, and Bhakti Devkota, a teacher, in Putu, Surkhet. On May 15, Maoists kidnaped Narayan Prasad Subedi, General Secretary of the Nepal Red Cross in Rolpa District. On September 19, Maoists abducted approximately 200 persons, including students and teachers from a village in Ramechhap District. The students ranged in

age from 12 to 16. According to the Ramechhap CDO, the hostages were taken to a nearby town and released later in the day. In July 2001, Maoists kidnaped former Nepali Congress MP and Bajura District Development Chairman Dev Raj Joshi. He was released September 2001. In September 2001, Maoists abducted two members of the Chaughada Village Development Committee in Nuwakot. One escaped the following day and the other was released within 48 hours, but claimed he had been beaten during his detention.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and the Civil Code prohibits acts such as beating and mutilation; however, security forces at times used torture and beatings to punish suspects or to extract confessions. According to AI, torture methods included rape, boxing of the ears, beating of the feet, and the rolling of weights over the thighs. AI noted that torture apparently was used to intimidate or punish detainees and to extract information and/or confessions, and that torture often occurred while detainees were held incommunicado and unable to contact family members, doctors, or lawyers (*see* Section 1.d.). The Government sometimes failed to conduct thorough and independent investigations of reports of security force brutality and generally did not take significant disciplinary action against officers involved.

Members of the security forces often were unwilling to investigate and to discipline fellow officers, and persons were afraid to bring cases against the police or Army for fear of reprisals. The Government provides human rights education for the police force, and soldiers receive human rights education as part of their regular training.

The Constitution and the Torture Compensation Act provide for compensation for victims of torture. According to the Center for Victims of Torture (CVICT), 7 persons filed for compensation under the act during the year, compared to 7 claims during 2001. CVICT said that one new case was awarded compensation during the year.

On May 7, security forces arrested Bharat Khadga on suspicion of being a Maoist in Chitwan. Khadga, who worked for a local NGO, was administered electric shocks while in custody. He was released on May 9. A complaint was filed with the Royal Nepal Army, which conducted an investigation. The Government said that one of the officers involved in the incident was forced into early retirement and the other officer was barred from taking a staff college entrance examination.

On May 30, security forces arrested Indra Kumar Acharya and his 19-year-old daughter Yuvati on suspicion of being a Maoist in Liwang, Rolpa. According to INSEC, Yuvati was beaten during interrogation and her father stripped, stepped on, hanged upside down, and tortured. Both were released on June 2.

According to INSEC, on June 12, police arrested 16-year-old Chetkana Adhikary in Banke District on theft charges. After his release, the boy's father filed a complaint with the Alliance for Human Rights and Social Justice. The father alleged that the boy was beaten while in custody with batons and tire tubes, and tortured with bamboo rollers. At year's end, no action has been taken on the complaint.

According to AI, in April two RNA officers raped two teenaged girls at an Army barracks in Nepalganj, Bank District. After the December 19 publication of the AI report recounting the incident, the girls and their families recanted, and denied that the rapes occurred. Human rights groups suspected the girls recanted under pressure and further investigation of the incident by the RNA was pending at year's end.

On July 16, a woman was abducted from her teashop by five members of the paramilitary APF in Mahottari District. According to CVICT, the woman was gangraped and beaten. When the woman brought the case to the District Police Office, the office refused to accept her rape complaint because the 35-day deadline between the incident and her filing date had expired. By year's end, the case was refiled in the district court.

According to CVICT, on July 22, Krishna Lohani B.K. was arrested in Dharan, Sunsari District, and reportedly tortured by police. Upon her release, CVICT filed a torture compensation case; however, by year's end no action was taken. On October 24, Krishna Lohani's husband, Ram Bahadur B.K., was arrested and reportedly tortured by police. He was released in December. At year's end, no action was taken against the members of the police involved in the case of Ram Bahadur B.K.

The law prohibits trafficking in persons and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and girls remained a serious problem in several of the country's poorest areas, and border guards commonly accepted bribes from traffickers (*see* Section 6.f.).

In May 2001, four persons filed a torture compensation case, claiming they were beaten during their detention on criminal charges in Jhapa District. In June 2001, five members of a family who had come to the Chief District Office in Nepalgunj

to obtain citizenship certificates were detained for 2 days as suspected Maoists. At least two of the five claimed they were beaten while in police custody.

AI conducted an official visit to the country from September 9 to 23. As a result of that visit, AI recorded many persons testimony of torture by all arms of the security forces. In November 2000, AI recommended amendments to the Torture Compensation Act, including changes to the Penal Code that would make torture a specific offense under criminal law. The Government has taken no action on suggested changes to the law. Human rights groups have reported instances of torture in areas affected by the "People's War."

Local and international human rights groups also have documented Maoist violence in areas affected by the "People's War," including the severing of limbs. The Maoists most often have targeted political leaders, local elites, teachers, local-level civil servants, and suspected informers. These targets included not only members of the majority Nepali Congress Party (NCP), but also members of the opposition Communist Party of Nepal-United Marxist/Leninist (CPN-UML). According to the Government, human rights groups, and the media, Maoists conscripted civilians, including children, into service and have used abducted civilians as human shields during attacks on army and police posts (*see* Section 5).

Throughout the year, Maoists looted banks and bombed or set fire to government offices and homes of local political leaders. International nongovernmental organization (NGO) offices also were attacked on several occasions, as were schools, businesses, infrastructure, and factories. At year's end, Maoists destroyed approximately one-third of the Village Development Committee buildings throughout the country. On March 30, Maoists attacked a hydroelectric plant in Jhimruk, Pyuthan and left three districts without electricity. On April 23, Maoists hijacked three Nepal Red Cross ambulances on the Dhading/Chitwan border. On May 17, Maoists detonated a bomb at an INGO-funded orphanage and boarding school in Surkhet District (*see* Section 1.a.). On August 8, Maoists detonated a bomb at a private business college in Kathmandu.

There also were cases of intimidation, torture, or other degrading treatment. On February 18, five Maoists armed with guns and knives attacked a 55-year-old gas station owner in Chitwan District. The armed Maoists stabbed him in the back, head, and hands, chopping off one of his fingers. His son was shot and killed in the attack. On April 5, Maoists abducted journalist Demling Lama from his home in Sindhupalchowk district. Lama, who managed to escape after a few days, said he was severely tortured while in Maoist custody (*see* Section 2.a.). According to INSEC, on June 23, Maoists abducted Ramesh Prasad Neupane of Kumari, Nuwakot District and tortured him for 3 days before he was allowed to return home.

According to the press, in September 2001, a Maoist cadre in the local "people's government" in Nuwakot district raped a 12-year-old girl. Government and opposition members of parliament demanded that the Maoist leadership take action against the suspect. According to press reports, a Maoist "people's court" convicted the suspect and decided he should be beaten. This sentence reportedly was carried out at the end of September 2001.

Prison conditions were poor. Overcrowding was common in prisons, and authorities sometimes handcuff or fetter detainees. According to the Department of Prisons, there were 6,877 persons in jail, of which approximately 50 percent were awaiting trial. Women normally were incarcerated separately from men, but in similar conditions.

Due to a lack of adequate juvenile detention facilities, children sometimes were incarcerated with adults, either with an incarcerated parent, or as criminal offenders. In November 2001, the Government began transferring children detained in jail to two residential facilities that provide education in accord with a provision in the 1992 Children's Act. By year's end, 28 dependent children of inmates and 8 juvenile offenders had moved into the residential facilities and begun school. Unlike in previous years, there were no reports of children in jail or custody as suspected or convicted criminals; however, there were reports of children held under the anti-terrorist laws as suspected Maoists (*see* Section 5). On December 17 the Supreme Court ordered the release of 16-year-old Diwakar Adhikari, who had been held in prison since December 2001, as a suspected Maoist. He subsequently was released by the police.

According to INSEC, in November 2001, Jit Bahadur Ghatri was arrested by the RNA in Dang District. He subsequently died in the hospital on November 30, 2001. The cause of his death was unknown.

In 2000 the Government established separate juvenile benches in district courts where youth are tried. As a result, trials of persons under the age of 18 now occur in a separate room in the courthouse, though there are no separate juvenile courts as such.

The authorities are more likely to transfer sick prisoners to hospitals than they were in the past. However, due to the inadequacy of appropriate facilities, the authorities sometimes place mentally ill prisoners in jails under inhumane conditions.

The Government permits local human rights groups and the ICRC to visit prisons. During the year, the ICRC conducted 97 visits to 38 police stations and 59 jails nationwide. The ICRC registered 1,674 new detainees in 42 out of the country's 75 districts. According to the ICRC, it "will continue to seek access" to detainees in army custody.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution stipulates that the authorities must arraign or release a suspect within 24 hours of arrest, but the police at times violated this provision. Under the law, the police must obtain warrants for an arrest unless a person is caught in the act of committing a crime. For many offenses, the case must be filed in court within 7 days of arrest. If the court upholds the detention, the law authorizes the police to hold the suspect for 25 days to complete their investigation, with a possible extension of 7 days. However, the police occasionally held prisoners longer. The Supreme Court has, in some cases, ordered the release of detainees held longer than 24 hours without a court appearance. Some foreigners, including refugees, have reported difficulty in obtaining bail.

Detainees have the legal right to receive visits by family members, and they are permitted access to lawyers once authorities file charges. In practice the police grant access to prisoners on a basis that varies from prison to prison; however, Maoist suspects often were denied visits from family members and lawyers. There was a system of bail, but bonds were too expensive for most citizens. Due to court backlogs, a slow appeals process, and poor access to legal representation, pretrial detention often exceeded the period to which persons subsequently were sentenced after a trial and conviction.

Under the Public Security Act, the authorities may detain persons who allegedly threaten domestic security and tranquility, amicable relations with other countries, or relations between citizens of different classes or religions. Persons whom the Government detained under the Act were considered to be in preventive detention and could be held for up to 6 months without being charged with a crime. The authorities may extend periods of detention after submitting written notices to the Home Ministry. The police must notify the district court of the detention within 24 hours, and it may order an additional 6 months of detention before authorities file official charges. Human rights groups allege that the police have used arbitrary arrest and detention during the "People's War" to intimidate communities considered sympathetic to the Maoists.

Under the state of emergency, which remained in effect from November 26, 2001 to August 28, the security forces were allowed to detain persons without charge for 90 days, with the possibility of another 90-day extension from the Home Ministry. Detainees arrested on suspicion of terrorism under the state of emergency are not guaranteed the right to counsel or family visits. Under the Terrorism and Destructive Activities Act passed by Parliament on April 4, suspects must appear before a court within 60 days after their arrest. The suspects may be held in preventive detention for up to 90 days; however, in practice many suspects were held much longer. According to government sources, 6,075 suspected Maoists have been arrested during the year. Of that number, authorities plan to file cases against 5,465 and 610 remain under investigation. At year's end, none of the cases have been tried. Figures for the number of persons being detained by the Army who are suspected of being Maoist were unavailable by year's end. For example, on March 3, Gopal Budhatoki, editor of Sanghu, was detained by the RNA because he had published a "seditious" article on the RNA; Budhatoki was released on March 26.

Other laws, including the Public Offenses Act, permit arbitrary detention. This act and its many amendments cover crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors expressed concern that the act vests too much discretionary power in the CDO, the highest-ranking civil servant in each of the country's 75 districts. The act authorized the CDO to order detentions, to issue search warrants, and to specify fines and other punishments for misdemeanors without judicial review. Few recent instances of the use of the Public Offenses Act have been reported, since it has become more common to arrest persons under the Terrorism and Destructive Activities Act, particularly Maoists. In 2000 local authorities in Biratnagar arrested Laxmi Mudbari, the central member of the Maoist-affiliated All Nepal Women's Association (Revolutionary), under the act; Mudbari remained incarcerated at year's end. Human rights commission officials reported several other cases of arrests or detentions under the Public Offenses Act, but were unable to provide details of the cases.

Unlike in previous years, there were no reports of police re-arresting persons on court premises immediately following their release by the courts.

Authorities detained journalists and their advocates on occasion, on suspicion of having ties to or sympathy for the Maoists (*see* Section 2.a.). According to INSEC, 123 Nepali journalists have been arrested or detained under the Terrorist and Destructive Activities Ordinance. At year's end, 24 journalists were in government detention and 2 remained in Maoist detention.

There were no reports of political detainees.

The Constitution prohibits exile and it is not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, lower level courts remain vulnerable to political pressure, and bribery of judges and court staff is endemic. The Supreme Court has the right to review the constitutionality of legislation passed by Parliament. In the past it has ruled that provisions in the Labor Act and in the Nepal Citizenship Act are unconstitutional. The Court also decided that the dissolution of the Parliament at the request of a former Prime Minister was unconstitutional, and ordered the legislature restored. In September 2001, the Court found Prime Minister Deuba's decision to freeze land sales unconstitutional.

Appellate and district courts have become increasingly independent, although sometimes they remained susceptible to political pressures. In Rolpa, one of the districts most affected by the "People's War," human rights groups have accused the district courts of acting in complicity with CDOs in violating detainees' rights. Human rights groups alleged that arrest without a warrant, prolonged detention without trial, and police torture occurred in Maoist-affected areas.

The judicial system consists of three levels: District Courts, Appellate Courts, and the Supreme Court. The King appoints judges on the recommendation of the Judicial Council, a constitutional body chaired by the Chief Justice. The Council also was responsible for the assignment of judges, disciplinary action, and other administrative matters. Judges decide cases; there was no jury system. In December 2000, the Government established a Special Court with jurisdiction to hear cases related to narcotics trafficking; trafficking in women and girls; crimes against the state; and crimes related to foreign currency, such as counterfeiting and money laundering.

Delays in the administration of justice were a severe problem. According to the latest statistics, the Supreme Court had a backlog of 16,654 cases; the appellate courts 11,235; and district courts 31,005. Under the state of emergency, the right to constitutional remedy (except habeas corpus) was suspended, and the Supreme Court temporarily suspended accepting new civil rights cases. By year's end, seventeen cases have been filed in Appellate Courts against suspected Maoists arrested under special anti-terrorism laws; however, none of these cases have been brought to trial.

The Constitution provides for the right to counsel, equal protection under the law, protection from double jeopardy, protection from retroactive application of the law, and public trials, except in some security and customs cases. All lower court decisions, including acquittals, were subject to appeal. The Supreme Court was the court of last appeal, but the King may grant pardons. The King also can suspend, commute, or remit any sentence. On the recommendation of the Government, the King often pardons up to 12 prisoners on national holidays, if they have served 75 percent of their sentence and shown good behavior.

Although prisoners have a constitutional right to legal representation and a court appointed lawyer, a government lawyer or access to private attorneys was provided only on request. Consequently, those persons unaware of their rights may be deprived of legal representation. Suspects detained under the Terrorism and Destructive Activities Act often are denied access to both attorneys and family members.

There have been reports of cases in which authorities allegedly penalized attorneys involved in the defense of human rights. According to INSEC, seven attorneys were arrested for suspected Maoism since the beginning of the state of emergency on November 26, 2001. On March 12, Saligram Sapkota, a member of the Nepal Bar Association, was arrested in Nepalgunj, Banke District by the security forces. His wife reported bruises on Sapkota's face and marks on his leg and thigh. He was released on June 14. According to AI, on March 14, Ramnath Mainali, a member of the Nepal Bar Association, was arrested in Kathmandu. Mainali was the legal advisor for the Maoist affiliated publication Janadesh Weekly and had filed a habeas corpus petition for one of the publication's editors. Mainali was released on July 10.

Military courts adjudicate cases concerning military personnel, who are immune from prosecution in civilian courts. Military courts do not try civilians for crimes involving the military services.

The authorities may prosecute terrorism or treason cases under the Treason Act. Specially constituted tribunals hear these trials in closed sessions. No such trials have occurred during the past 6 years.

In districts where Maoists have gained effective control, the insurgents have set up "people's courts." Although these courts generally decide civil cases, in 2001 eight policemen who surrendered in Dailekh were reportedly found guilty of crimes against the people by a hastily constituted "people's court" and summarily were executed.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary interference with privacy, family, home or correspondence; however, under the state of emergency, security forces were allowed the right to search homes, vehicles, and places of business without a search warrant. Search warrants were required before searches and seizures may be carried out, except in cases involving suspected security and narcotics violations. The law empowers the police to issue warrants for searches and seizures in criminal cases upon receipt of information about criminal activities. Within 24 hours of their issuance, warrants in misdemeanor cases must be approved by the CDO. Court judges must approve them in felony cases. Following renewed violence in November 2001 the King declared a state of emergency nationwide, in which many constitutional rights, including the right to privacy, were suspended. Under the Terrorism and Destructive Activities Act, the security forces may conduct searches as long as they inform the subject of the search "in advance." Since that time travelers have been stopped and subjected to vehicle and body searches by security personnel at roadblocks in many areas of the country.

Government provisions permitted discrimination in employment on the basis of political opinion; however, such discrimination was not known to occur.

The Government continued to provide food relief through the Nepal Food Corporation to needy citizens, including those in areas controlled by the Maoists. The Government delivered food rations to District Development Offices for distribution.

Military commanders in some conflict areas prohibited some medical items and blockaded food shipments. The Government maintained that such incidents occurred at the direction of individual commanders and was not a governmental policy.

Maoist commanders in certain areas also reportedly blockaded food and medical supplies and impeded the delivery of health care services by interdicting travel by health workers and by confiscating supplies.

Section 2. Respect For Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution specifies that all citizens shall have freedom of thought and expression and that the Government may not censor any news item or other reading material; however, the Government imposed restrictions on these rights. The Constitution prohibits speech and writing that would threaten the sovereignty and integrity of the Kingdom; disturb the harmonious relations among persons of different castes or communities; promote sedition, defamation, contempt of court, or crime; or contradict decent public behavior or morality.

In November 2001, King Gyanendra declared a state of national emergency which lasted until August 28. According to the Constitution, several civil rights, including freedom of expression, may be curtailed for the duration of the state of emergency. The Government announced that restrictions under the emergency were intended to target the Maoists and not the general population; however, journalists and editors of several mainstream publications were detained during the emergency. Several journalists and editors of Maoist-affiliated newspapers also were detained and their newspaper offices closed after the emergency was announced. Government authorities also requested the press in general not to run stories favorably portraying the Maoists. Approximately 100 journalists had been detained for varying amounts of time since the beginning of the state of emergency. By year's end, 24 journalists and 9 other employees of newspapers continued to be detained. On March 3, Gopal Budathoki, editor and publisher of the Sanghu Weekly was abducted from his home by plainclothes security forces. On March 6, former-Prime Minister Deuba defended Budathoki's arrest, stating that Budathoki's paper had published articles detrimental to the morale of the army. He was released from custody on March 26. On March 16, Shyam Shrestha, editor of the monthly publication Mulyankan was detained, along with two human rights activists, by security forces at Tribhuvan International Airport. He was released from detention on March 26. According to the Committee to Protect Journalists (CPJ) on November 12, police detained Tikaram Rai, editor of the Nepali-language daily Aparanha. He was released on November 14. On November 29, Journalists and human rights activists filed a petition in court claiming compensation for illegal detention and severe torture during the state of emergency. By year's end, there had been no further developments in this petition.

The Press and Publications Act provides for the licensing of publications and the granting of credentials to journalists. The act also includes penalties for violating

these requirements. In addition, the act prohibits publication of material that, among other things, promotes disrespect toward the King or the royal family; that undermines security, peace, order, the dignity of the King, or the integrity or sovereignty of the Kingdom; that creates animosity among persons of different castes and religions; or that adversely affects the good conduct or morality of the public. The act also provides a basis for banning foreign publications; however, foreign publications were widely available.

There were hundreds of independent vernacular and English-language newspapers available, representing various political points of view. The Government ownes "Gorkhapatra," a Nepali-language daily, and "The Rising Nepal," the largest English-language daily. Editors and writers at government newspapers practiced self-censorship and generally reflected government policy. Editors and writers at some private newspapers practice self-censorship as well. Ruling political parties have influenced the editorial policy of the Government newspapers to their advantage. Views of human rights groups, the statements of the police, and the press releases of Maoist leaders were reported in the press prior to the imposition of the state of emergency and after its expiration.

Some journalists and their advocates have suffered human rights abuses. In March 2001, the Supreme Court issued a writ of habeas corpus releasing Krishna Sen from jail (*see* Section 1.a.). He was arrested in 1999 in connection with the publication of an interview with a Maoist leader. Sen immediately was rearrested and moved to another jail in Mahottari District. Sen told the press that police forced him to sign an acknowledgement of his release even though he still was in police custody. Following protests from journalists across the country, Sen was released March 14, 2001. In May, local newspaper Jana Astha reported that Krishna Sen, editor of the daily Janadisha, was re-arrested and killed in custody. The Government denied the claim. No investigation into Krishna's death was initiated by year's end. There were no developments in the case of the January 2000 killing of Shambhu Prasad Patel.

The Broadcast Act allows private television and FM radio broadcasts, but implementation of the Act has been slow. The Government owned one television station, and controlled one radio station that broadcasts both AM and FM signals. Radio, primarily short and medium waves, reaches the greatest number of persons and has the largest influence. Government-owned Radio Nepal broadcasts throughout the country through a series of repeater stations. With privatization of a number of radio bands, there has been a marked increase in the range of programming options available. In January 2001, the Government issued a circular to private radio stations in the country reiterating a previous but little-enforced ban on the collection and broadcast by independent radio stations of news other than that provided by Radio Nepal. In July 2001, the Supreme Court annulled the Government's order. As a result, privately owned FM stations can broadcast their own independently collected news but also must broadcast Radio Nepal news at least once daily. The Government does not restrict access to foreign radio broadcasts, private cable networks, or to the purchase of television satellite dishes. Indian, Chinese, and Pakistani broadcast television also was readily available in many parts of the country.

Two private cable television networks operated in the Kathmandu Valley. They mainly provided entertainment programming, but commentary critical of government policies occasionally occurred during publicly broadcast discussion programs. An additional two private operators were granted licenses; however, the two operators have not begun broadcasting. Throughout the country, local entrepreneurs also received international stations via satellite for viewing in local bars, and resold the signal to local residents. Television time on the Government-owned television station also was leased to private producers. In addition to the state-owned television station, two private television stations were licensed to produce and broadcast programs. One of those stations broadcasted through leased time slots on Television Nepal; the other through a Thai company's satellite.

During the year the Government expanded to 25 the number of private FM broadcasting licenses; 20 were operating. Private stations must broadcast the Government station's news program but also were permitted to rebroadcast news from abroad. Private radio stations, like print media, practiced self-censorship.

There have been many debates about liberalizing the media and privatizing government-owned media. This debate has put pressure, which successive governments so far have resisted, to open the airwaves and divest government-controlled printing operations. However, private FM radio and cable and satellite television have overtaken the Government's ability to regulate them.

The Government licensed 15 companies for Internet and e-mail services.

There were no government efforts to curtail academic freedom during the year; however, security forces killed 4 teachers as suspected Maoists during the year.

The Maoists did not tolerate freedom of expression. They tightly restricted the print and broadcast media under its control. The Maoists killed some of those reporting and publishing on human rights. On April 5, Maoists abducted Demling Lama, a correspondent for Radio Nepal and the Himalaya Times, from his home in Sindhupalchowk District. He reportedly was tortured while in custody. He escaped and reported the incident to the police and the press (*see* Section 1.c.). On August 20, Maoists killed Nawaraj Sharma, editor of the Karnali Sandesh, in Kalikot District. On December 11, Maoists abducted and killed Ambika Timilsena, a former reporter for the Maoist-affiliated newspaper Janadesh. On April 29, Maoists destroyed the transmitting station of the state-owned Radio Nepal in Guaridana, Mahottari District.

Maoist groups exorted money from private schools and teachers and sometimes inflicted punishment on school officials. Threats and intimidation from Maoist-affiliated All Nepal National Independent Student Union (Revolutionary) (ANNISU-R) succeeded in closing down more than 200 private schools, primarily in areas most heavily affected by Maoist activities. Two private schools in Kathmandu remain closed, one permanently. The ANNISU-R demanded, often violently, the halving of tuition, curriculum changes, and the banning of the singing of the national anthem. The Maoists have killed 40 teachers since the beginning of the insurgency in 1996 and have destroyed 25 school buildings. Teachers in Maoist-affected areas reported regular threats and extortion demands from the Maoists. The Department of Education estimated that 3,000 teachers have been displaced, beaten, or killed by Maoists since 1996. On February 23; March 4–5; April 23–27; September 16; and on October 1–2, Maoists enforced strikes that effectively closed down nearly all public and private schools across the nation. On December 9–22 the Maoists enforced a strike that closed private schools in the Kathmandu Valley. On May 11, Maoists set on fire the Mahendra Sanskrit University in Dang District and destroyed the facility. On May 17, Maoists set off a bomb at an NGO-funded orphanage and private school in Surkhet District.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association; however, the Government restricted these rights on vague grounds, such as undermining the sovereignty and integrity of the State or disturbing law and order. Freedom of assembly was one of the civil rights suspended under the state of emergency. The Government required that organizers apply for permits for public rallies and demonstrations. Except for the duration of the state of emergency, large public demonstrations were common, and police intervention was rare except in cases where crowds became violent or violated the terms of their parade permit. Local authorities in Kathmandu halted a number of public celebrations by the Tibetan community throughout the year. Police in Kathmandu prevented a Tibetan cultural program in honor of the thirteenth birthday of the eleventh Panchen Lama on April 28. In 2001 local authorities in Boudhanath, Kathmandu, halted the performance of a traditional dance scheduled to be performed during the 6-day celebration of the Tibetan New Year.

In September 2001, the Kathmandu Chief District Officer imposed a 1-month ban on all public meetings in anticipation of a massive Maoist rally to be held in September 2001. The Government rescinded the ban in September 2001, after the Maoists agreed to cancel the march.

In December 2000, police stopped a procession of Tibetan school children, monks, and others on their way to Swyambounath Temple in Kathmandu to celebrate the Dalai Lama's fiftieth anniversary of his assumption of state responsibility. No injuries were reported.

c. Freedom of Religion.—The Constitution provides for freedom of religion and permits the practice of all religions; however, proselytizing was prohibited and punishable with fines or imprisonment, and members of minority religions occasionally complained of police harassment. Some Christian groups were concerned that the ban on proselytizing limited the expression of non-Hindu religious belief. The Constitution describes the country as a "Hindu Kingdom," although it does not establish Hinduism as the state religion.

The Press and Publications Act prohibits the publication of materials that create animosity among persons of different castes or religions. On January 31, the Government ordered Muslim religious schools to register with the local District Administration Officers. The schools had to supply information about their funding sources in order to continue operation. Some Muslim leaders criticized the move as discriminatory.

A conviction for conversion or proselytizing can result in fines or imprisonment or, in the case of foreigners, expulsion from the country. Arrests or detentions for proselytizing were rare, and there have been few incidents of punishment or inves-

tigation in connection with conversion or proselytizing during the last few years. However, the Government on occasion investigated reports of proselytizing. Nongovernmental groups or individuals were free to file charges of proselytizing against individuals or organizations. A 1999 case was filed with the Supreme Court against the Adventist Development and Relief Agency and the United Missions to Nepal, an umbrella Protestant NGO; however, it was dismissed by the Court on August 16.

Some Christian groups reported that Hindu fundamentalism has increased in the past few years. In 1999 the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, opened an office in Kathmandu; a few Shiv Sena candidates unsuccessfully ran for office in the 1999 general elections.

Government policy does not support religious extremism, although some political figures have made public statements critical of Christian missionary activities.

Some citizens were wary of proselytizing and conversion by Christians and, therefore, viewed the presence of Christianity with alarm. Two representatives of different Christian organizations also have alleged oppression of Christians and destruction of at least two churches by Maoist sympathizers.

The caste system strongly influences society, even though it was prohibited by the Constitution. Caste discrimination was widely practiced at Hindu temples where, for example, members of the lowest castes were not permitted to enter. Otherwise, the Government made an effort to protect the rights of the disadvantaged castes.

In August 2001, the Prime Minister made a speech emphasizing that caste-based discrimination, including barring access to temples, is illegal. Since then, members of the lower castes have successfully and publicly entered many temples, including Pashupatinath, the national site most sacred to Hindus.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence, and the Government generally does not restrict travel abroad. However, for security reasons, the Government restricted travel by foreigners, including Tibetan residents, to some areas near the Chinese border. The Government also has imposed restrictions on women's travel to the Gulf states to work as domestic servants, in response to cases of abuse of such women in the past. These restrictions do not apply to women who were traveling to the Gulf states for other reasons, nor do they apply to travel to other areas. Women's rights groups have protested the ban; however, in September 2001, the Supreme Court dismissed a case challenging the restriction as discriminatory. The Government allowed citizens abroad to return, and was not known to revoke citizenship for political reasons.

The Government has no official refugee policy. However, it does provide asylum for refugees and has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees from Bhutan and Tibet. The UNHCR maintains an office in Kathmandu. Since 1959 the Government has accepted as residents approximately 20,000 Tibetan refugees, many of whom still reside in the country. Since 1991 it also has provided asylum to approximately 101,000 persons who claim Bhutanese citizenship. The great majority of these refugees live in UNHCR administered camps in the eastern part of the country. An additional 15,000 refugees reside outside the camps in either the country or India. The total represents approximately one-sixth of Bhutan's estimated pre-1991 population. Since the flight of the Karmapa Lama from Tibet in January 2000, the Government has disallowed UNHCR access to the Nepal-China border to monitor the treatment of Tibetan refugees. In September 2001, the Government authorized UNHCR to travel to the headquarters of a border district, but not the border itself, to consult with local officials.

The People's Republic of China and the Government tightened control of movement across their border in 1986, but neither side has consistently enforced those restrictions. Police and customs officials occasionally harass Tibetan asylum seekers who cross the border from China. According to the UNHCR, police conduct in this regard has improved since 1999, although border police sometimes extort money from Tibetans in exchange for passage. There were reports of the forced repatriation of Tibetan asylum seekers during the year; however, poor communication with the border has made it difficult to confirm. There are credible reports that Tibetan asylum seekers are sometimes handed back to Chinese authorities even after crossing the border.

In March 2001, 18 Tibetans arrested for entering the country from India without proper travel documents were released after serving 4 months in prison. The individuals were turned over to UNHCR, which labeled them "persons of concern" and returned them to India. In August 2001, 10 Tibetans previously resident in India were arrested in Kathmandu for failure to possess required travel documents, and

were convicted of immigration violations. An 11th Tibetan, arrested in June 2000, also is currently serving a prison term for failure to pay immigration fines. On February 19, one of the detainees gave birth in jail. The infant remained incarcerated with its mother until she was released following payment of her fines by a foreign philanthropist in August. By year's end, three of the original Tibetans arrested were released; however, on December 13, three more Tibetans who had entered Nepal without documents were detained in Kathmandu.

The UNHCR monitored the condition of Bhutanese refugees and provided for their basic needs. The Government accepted the refugee presence as temporary on humanitarian grounds. The camps were administered by UNHCR; the World Food Program (WFP) provides sustenance and the Government made a contribution to the WFP earmarked for the refugees. U.N. officials, diplomats and NGO representative visitors to the camps had described conditions as generally very good, largely as a result of efficient UNHCR administration, conscientious government oversight and the refugees taking responsibility for their surroundings. However, there were reports by refugee women and children that some of the Bhutanese refugee workers at the camps had committed sexual assault. The Government responded by providing more police protection to the camp and UNHCR began an investigation. The Government officially restricted refugee freedom of movement and work, but did not strictly enforce its policies. Local authorities have attempted to restrict some of the limited economic activity in the camps permitted by the central government. Violence sometimes has broken out between camp residents and the surrounding local population. The UNHCR and other donors and relief organizations have defused tensions through an assistance plan for refugee-affected areas aimed at improving conditions in communities adjacent to the camps.

In 1994 the Government and the Government of Bhutan formed a joint committee and began bilateral talks to resolve the refugee problem. During the tenth round of bilateral talks in December 2000, they agreed on preparations for verification at the camps. Verification interviews at the first refugee camp commenced in March 2001 and concluded in December 2001. No further verification has taken place since then. Bilateral negotiations on repatriation issues in November 2001 failed to arrive at an agreement, and the matter was deferred to a proposed future session of ministerial-level talks. The talks' earlier lack of progress frustrated refugees, and some held "peace marches" to protest their plight.

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

Citizens have the right to change their government peacefully. Citizens, through their elected representatives, also have the right to amend the Constitution with the exception of certain basic principles that they may not change—sovereignty vested in the people, the multiparty system, fundamental rights, and the constitutional monarchy.

The country is a constitutional monarchy with a parliamentary form of government. Parliamentary elections are scheduled at least every 5 years. Midterm elections may be called if the ruling party loses its majority, loses a vote of no confidence, or calls for elections. On May 22, Prime Minister Sher Bahadur Deuba asked King Gyanendra to dissolve Parliament and schedule mid-term elections for November 13. On October 3, the Prime Minister asked the King to delay polls until November 2003 because of Maoist threats to disrupt the elections with violence. On October 4, the King dismissed Deuba's caretaker government for its failure to hold elections within the constitutionally mandated period; temporarily assumed executive powers; postponed elections indefinitely; and invited all mainstream political parties to nominate members of a new caretaker government. On October 11, the King appointed Lokendra Bahadur Chand as Prime Minister of a caretaker government. By year's end, no date had been set for national or local elections.

Under the Constitution all citizens aged 18 and over may vote. The House of Representatives, or lower house, may send legislation directly to the King by majority vote. The National Assembly, or upper house, may amend or reject lower house legislation, but the lower house can overrule its objections. The upper house also may introduce legislation and send it to the lower house for consideration.

The King exercised certain powers with the advice and consent of the Council of Ministers and the Prime Minister. The King has exclusive authority to enact, amend, and repeal laws relating to succession to the throne. The King's income and property are tax-exempt and inviolable, and no question may be raised in any court about any act performed by the King. The Constitution permits the King, acting on advice of the Council of Ministers, to exercise emergency powers in the event of war, external aggression, armed revolt, or extreme economic depression. In such an emergency, the King, as advised by the civilian government, may suspend without judi-

cial review many basic freedoms, including the freedoms of expression and assembly, freedom from censorship, and freedom from preventive detention. However, he may not suspend habeas corpus or the right to form associations. The King's declaration of a state of emergency must be approved after 3 months by a two-thirds majority of the lower house of the Parliament. If the lower house is not in session, the upper house exercises this power. A state of emergency may be maintained for up to 3 months without legislative approval and for up to 6 months, renewable only once for an additional 6 months, if the legislature grants approval.

The Constitution bars the registration and participation in elections of any political party that is based on "religion, community, caste, tribe, or region," or that does not operate openly and democratically. In the 1999 election, there were sporadic incidents of violence that mainly occurred between supporters of rival political parties. Maoist efforts to disrupt the 1999 elections by intimidating voters and candidates had some effect. The elections generally were held throughout the country according to schedule. International observers considered the elections to be generally free and fair.

There were 12 women in the 205 seat legislature, before its dissolution, and there were 9 women in the 60-member National Assembly. There was one woman in the interim Cabinet appointed by the King in October. There were no specific laws that restrict women, indigenous people, or minorities from participating in the Government or in political parties. Tradition limits the roles of women and some castes in the political process. However, the Constitution requires that women constitute at least 5 percent of each party's candidates for the House of Representatives. The law also requires that at least 20 percent of all village and municipal level seats be reserved for female candidates. The 1999 elections resulted in an increase from 7 to 12 in the number of women in the 205-seat lower house and from 5 to 9 in the 60-seat upper house.

No specific laws prevent minorities from voting or restrict them from participating in the Government and political parties on the same basis as other citizens. Hindus and members of certain castes traditionally have held more power than others, but members of other religious and social groups have in the past few years gained increasing influence in government, including senior leadership positions. There were no special provisions to allocate a set number or percentage of political party positions or parliamentary seats for any minority group. In August 2001, Ramprit Paswan, an opposition Member of Parliament and a "dalit" (member of the lowest caste), was elected Vice Chairman of the National Assembly.

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

A number of domestic (and international) human rights groups operated, investigating and publishing their findings on human rights cases; however, the Government detained human rights activists suspected of Maoist affiliation during the state of emergency. There were approximately 10 domestic human rights NGOs. These included the Human Rights Organization of Nepal (HURON), INSEC, the International Institute for Human Rights, Environment, and Development (INHURED), and the Human Rights and Peace Society (HURPES). The Nepal Law Society also monitored human rights abuses and a number of NGOs focused on specific areas such as torture, child labor, women's rights, or ethnic minorities.

According to INSEC, security forces arrested 16 human rights activists during the state of emergency. The Government continued to hold 8 at year's end. On March 16, security forces arrested Pramod Kafle, a human rights activist involved in Bhutanese refugee affairs; Mahesh Maskey, a doctor active in human rights; and Shyam Shrestha, a journalist, at Tribhuvan International Airport as they were leaving on a flight to India. They were released on March 26. At year's end, Prem Bahadur Saud and Tim Kumari Khanal continued to be detained. Bishnu Prasad Khanal was released in 2001; however, he was re-arrested in January. On June 23, Khanal was released. There were reports that the Government and the Maoists limited the activities of human rights activists. Maoists also prevented journalists and human rights activists who traveled to Rolpa to inspect the area freely on their own.

On July 29, Bishnu Pukar Shrestha, who is a secondary school teacher, lawyer, member of a human rights organization, and suspected Maoist, reportedly was arrested from his home in Kathmandu. Army and police officials maintained that he was not in custody (*see* Section 1.b.). On December 16, Shrestha was released. Shrestha previously had been arrested by police in July 2000; however, Shrestha never was charged with any crime.

The insurgency has caused a number of NGOs in the midwestern districts to reduce their activities substantially. In addition, Maoists have killed and abducted NGO workers. On January 16, Maoists killed Mukti Nath Adhikari, head of a local

chapter of Amnesty International in Lamjung District. Hari Narayan Shrestha of Human Rights and Peace Society's Ramechhap district office was abducted by Maoists on August 18, 2001 and released 3 days later. During the year insurgents stole hundreds of metric tons of emergency food supplies from INGO programs targeting vulnerable populations. Maoists also have targeted aircraft attempting to make humanitarian deliveries of foodstuffs to midwestern districts.

In 2000 the Government formed the NHRC, a government-appointed commission with a mandate to investigate human rights violations. The Commission included members from all major political parties and operated independently; however, resource constraints and insufficient manpower restricted the number of cases the commission can bring to court. Once the NHRC completes an investigation and makes a recommendation, the Government has 3 months to respond. Since its establishment, the Commission has received 861 complaints of human rights violations, investigated 51, and issued final recommendations in 5 cases. Some cases involve the disappearance of detainees, illegal detention, and arrest of acquitted persons, but many other cases are relatively trivial.

The Government does not refuse visas to international NGO human rights monitors, or otherwise restrict their access when they are in the country. However, some areas along the country's border with China are restricted. An organization monitoring Tibetan refugee flows has been denied access to these border areas.

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

The Constitution specifies that the Government shall not discriminate against citizens on grounds of race, sex, caste, or ideology; however, there still is a de facto caste system. Discrimination against lower castes, women, and the disabled remains common, especially in rural areas.

Women.—Violence against women is a serious problem that receives limited public attention. On April 11, Parliament passed the Domestic Violence Control Bill, which is awaiting royal approval. The bill would stipulate penalties for domestic violence, including ordering the aggressor to pay hospital costs for the victim, and fining the aggressor a minimum of $64 (NRs 5,000). There was a general unwillingness among citizens, and particularly among government authorities, to recognize violence against women as a problem. In a survey conducted by local NGO SAATHI, 42 percent of the respondents said that in their experience medical practitioners were uncooperative or negligent in cases of violence against women and girls. This unwillingness to recognize violence against women and girls as unacceptable in daily life was seen not just in the medical profession, but among the police and politicians as well.

Rape and incest also are problems, particularly in rural areas. Laws against rape provided for prison sentences of 6 to 10 years for the rape of a woman under 14 years of age and 3 to 5 years for the rape of a woman over the age of 14. The law prescribes imprisonment for 1 year or a fine for the rape of a prostitute. As of May 2, the law does forbid spousal rape. A survey conducted by SAATHI found that 39 percent of rape victims who reported the crime to police were under the age of 19. Of those victims who reported the crime to the authorities, 25 percent said the perpetrator was convicted and jailed.

The dowry tradition is strong, with greater prevalence in the Terai region. The killing of brides because of defaults on or inadequacy of dowry payments was rare, but did occur. More common was the physical abuse of wives by the husband and the husband's family to obtain additional dowry or to force the woman to leave to enable the son to remarry.

Folk beliefs about witchcraft, which are especially strong in the lowland Terai area on the Indian border, generally target women, particularly elderly and/or widowed women. Shamans or other local authority figures sometimes publicly beat and physically abuse suspected witches as part of an exorcism ceremony. In September 2001, two men, including a local village official, were jailed in Simardahi, Mahottari District, after failing to post bond for charges relating to the August 14 beating of an elderly woman after publicly denouncing her as a witch. The two men had been charged under the Public Offense Act. In September 2001, police arrested five men in Sirsiya Khalbatol, Parsa, for beating and forcefeeding feces to a 60-year-old widow suspected of witchcraft. In September 2001, the Supreme Court issued a show cause notice to the Government for its failure to enact a law specifically to punish perpetrators of violence in witchcraft cases. In September 2001, four villagers beat 60-year-old Malechhiya Devi to death in Bel Ekdara, Mahottari, on suspicion of witchcraft. The victim's widower filed charges against the five suspects, who fled after the incident (*see* Section 1.a.).

The police department has 18 "women's cells." These cells include female officers who received special training in handling victims of domestic violence. The police

also have sent out directives instructing all officers to treat domestic violence as a criminal offense that should be prosecuted. However, according to a police official, this type of directive was difficult to enforce because of entrenched discriminatory attitudes. Even though the police may make an arrest, further prosecution often was not pursued by the victim or by the Government.

At least ten NGOs in Kathmandu work on the problem of violence against women and on women's issues in general. SAATHI's assistance program includes a women's shelter and a suicide intervention center. The shelter provided housing, medical attention, counseling, and legal advocacy for the victims of violence.

Trafficking in women remained a serious problem in several of the country's poorest areas, and large numbers of women still are forced to work against their will as prostitutes in other countries (*see* Section 6.f.).

Although the Constitution provides protections for women, including equal pay for equal work, the Government often has not taken significant action to implement those provisions, even in many state industries. Women face systematic discrimination, particularly in rural areas, where religious and cultural tradition, lack of education, and ignorance of the law remain severe impediments to their exercise of basic rights such as the right to vote or to hold property in their own names. Women have benefited from some changes in marriage and inheritance laws. On March 14, Parliament passed a bill which allowed unmarried, widowed, or divorced women to inherit parental property. The Citizenship Law discriminates against foreign spouses of female citizens, and denies citizenship to the children of female citizens married to foreign spouses, even if those children are born in the country. Many other discriminatory laws still remain. According to legal experts, there are over 50 laws that discriminate against women. For example, the law grants women the right to divorce, but on narrower grounds than those applicable to men. The law on property rights also favors men in its provisions for inheritance, land tenancy, and the division of family property.

According to the 2001 census, the most recent statistics available, the female literacy rate was 43 percent, compared with 65 percent for men. Human rights groups reported that girls attend secondary schools at a rate half that of boys. There were many NGOs focused on integrating women into society and the economy. These NGOs worked in the areas of literacy, small business, skills transfer, and prevention of trafficking in women and girls. There also were a growing number of women's advocacy groups. Most political parties have women's groups.

Children.—Education is not compulsory. Government policy was to provide free primary education for all children between the ages of 6 and 12 years, but the quality of education was sorely inadequate, many families cannot afford school supplies and clothing, and schools do not exist in all areas. Schools charge fees for higher education. Approximately 60 percent of the children who work also attended school. However, approximately 70 to 75 percent of boys who work go to school, compared to only 50 to 60 percent of the girls who work. Basic health care was provided free to children and adults at government clinics, but they were poorly equipped and too few in number to meet the demand. Community-based health programs assisted in the prevention of childhood diseases and provide primary health care services. Poor or nonexistent sanitation in rural areas puts many children at risk from severe and fatal illnesses. The Government has made significant progress in improving basic community health care services over the past 5 years, bringing down the mortality rate of children under age 5 by 23 percent since 1996. A Vitamin A supplementation program operated nationwide, and immunization outreach has increased from 45 percent in 1996 to 60 percent this year. The lack of adequate antenatal care and widespread malnutrition remained problems.

Forced prostitution and trafficking in young girls remained serious problems (*see* Section 6.f.).

Societal attitudes view a female child as a commodity, to be bartered off in marriage, or as a burden. Some persons, in fact, consider marrying a girl before menarche an honorable, sacred act that increases one's chances of a better afterlife. As a result, although the law prohibits marriage for girls before the age of 18, child brides were common. According to the Ministry of Health, girls' average age of marriage was 16 years of age. The age difference in marriage often was cited as one cause of domestic violence.

The Government incarcerated some dependent children with adult parent offenders if there were no other adult relatives to care for them. In November 2001, the Government began transferring children detained in jail to two residential facilities that provide education in accord with a provision in the 1992 Children's Act. At year's end, 28 dependent children of inmates and 8 juvenile offenders had moved into the residential facilities and begun school. Unlike in previous years, there were no reports of children in jail or custody as suspected or convicted criminals, al-

though there were reports of children held under anti-terrorism laws as suspected Maoists.

There have been numerous reports that Maoists recruit teenagers to serve as porters, runners, cooks, and armed cadre.

Persons with Disabilities.—Persons with disabilities face widespread societal discrimination. There was discrimination against persons with disabilities in employment, education and in the provision of other state services. Families often were stigmatized by and ashamed of family members with disabilities, who may be hidden away or neglected. Economic integration was further hampered by the general view that persons with disabilities were unproductive. The mentally retarded were associated with the mentally ill. Sometimes mentally ill and retarded persons were placed in prisons due to the lack of facilities or support. A report authored jointly by UNICEF and the National Planning Commission estimated that there are approximately 400,000 persons with disabilities in country.

The Government long has been involved in providing for persons with disabilities, but limited resources have kept the level of government assistance insufficient to meet their needs. The Disabled Persons Protection and Welfare Act and additional 1994 rules mandate accessibility to buildings, transportation, employment, education, and other state services. The Government has begun developing a policy on equal access for persons with disabilities to public buildings and transportation. However, despite government funding for special education programs, the Government does not implement effectively or enforce laws regarding persons with disabilities. A number of NGOs working with persons with disabilities received significant funding from the Government, but persons with physical or mental disabilities relied almost exclusively on family members to assist them.

National/Racial/Ethnic Minorities.—The country has over 75 ethnic groups that speak 50 different languages. The Constitution provides that each community "shall have the right to preserve and promote its language, script, and culture." The Constitution further specifies that each community has the right to operate schools up to the primary level in its mother tongue.

In remote areas, school lessons and national radio broadcasts often were conducted in the local language. However, in areas with nearby municipalities, education at the primary, secondary, and university levels was conducted almost exclusively in Nepali, which was constitutionally mandated as the official language of the State. On November 29, UNESCO reported that 13 indigenous languages were endangered and the language of the Kusunda community is nearly extinct.

Discrimination against lower castes was especially common in the rural areas in the western part of the country, even though the Government has outlawed the public shunning of "untouchables," and makes an effort to protect the rights of the disadvantaged castes. Economic, social and educational advancement tended to be a function of historical patterns, geographic location, and caste. Better education and higher levels of prosperity, especially in the Kathmandu Valley, slowly were reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes (Brahmin, Chhetri, and certain elements of the Newar community traditionally dominant in the Kathmandu Valley) continued to dominate politics and senior administrative and military positions, and to control a disproportionate share of natural resources in their territories. Two members of the Cabinet were from ethnic minority communities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the freedom to establish and to join unions and associations. It permitted the restriction of unions only in cases of subversion, sedition, or similar conditions. Trade unions developed administrative structures to organize workers, to bargain collectively, and to conduct worker education programs. The three largest trade unions were affiliated with political parties.

Union participation in the formal sector accounted for approximately 10 to 12 percent of the formal work force. The Labor Act and the Trade Union Act formulated enabling regulations; however, the Government has not yet fully implemented these acts. The Trade Union Act defines procedures for establishing trade unions, associations, and federations. It also protect unions and officials from lawsuits arising from actions taken in the discharge of union duties, including collective bargaining, and prohibits employers from discriminating against trade union members or organizers. There were few reports of discrimination against union members.

The Government does not restrict unions from joining international labor bodies. Several trade federations and union organizations maintain a variety of international affiliations.

b. The Right to Organize and Bargain Collectively.—The Labor Act provides for collective bargaining, although the organizational structures to implement the act's provisions have not been established. Collective bargaining agreements cover an estimated 20 percent of wage earners in the organized sector, and hotel workers have bargained aggressively for additional compensation. However, in general, labor remained widely unable to use collective bargaining effectively due to inexperience, employer reluctance to bargain, and court injunctions.

The law permits strikes, except by employees in essential services such as water supply, electricity, and telecommunications. The law empowers the Government to halt a strike or to suspend a union's activities if the union disturbs the peace or if it adversely affected the nation's economic interests. Under the Labor Act, 60 percent of a union's membership must vote in favor of a strike in a secret ballot for the strike to be legal. In March 2001 the Government averted a strike threatened by hotel employees by determining that hotel employees fall under the Essential Services Act that proscribes strikes. Contract employees at a foreign-owned factory in Hetauda district struck from August 26 to 28, 2001 after management refused to hire them as permanent employees. Strike organizers suspended the strike after 3 days. In 2001 there were frequent reports of Maoist-affiliated agitators disrupting work at garment and carpet factories in the Kathmandu Valley. Some factory owners reported receiving demands from the Maoists that included tripling wages for unskilled laborers; hiring all seasonal or contract employees as permanent labor; and firing any foreign workers. In August 2001, Maoist labor organizers stopped work at four Kathmandu Valley garment factories for several hours, shut off the electricity, and forced employees outside to listen to speeches.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred. The Department of Labor enforces laws against forced labor in the small formal sector, but remains unable to enforce the law outside that sector.

Historically, a system of bonded agricultural laborers, known as the Kamaiyas, existed in areas of the western Terai region. In July 2000, the Government made bonded labor illegal and released the "Kamaiya" bonded agricultural workers from their debts. Resettlement of the Kamaiyas began in January 2001, and distribution of land began in March 2001. On February 21, the Kamiya Prohibition Act became law, which codified the emancipation of bonded laborers and established fines of $194 to $325 (NRs 15,000 to 25,000) for employers engaged in Kamaiya labor practices. The Act emancipated those persons who worked as Kamaiya laborers; forgave outstanding Kamaiya loans and canceled bonds or related contracts; and provided for the return of the Kamaiyas' mortgaged or secured property within three months. The Act also established "Freed Kamaiya Rehabilitation and Monitoring Committees" in specific affected districts, and created a new position of "Welfare Officer" to oversee the administration of the Government's Kamaiya relief funds.

Enforcement of the Act by the Government was haphazard. To date, approximately 12,092 (out of a total 52,000 eligible) have been provided with up to one-third of an acre of land and 75 cubic feet of timber to build houses. The Government has set up temporary camps for Kamaiyas still awaiting settlement and has begun arrangements for distribution of food under a food-for-work program. A 2001 Rapid Assessment conducted by the ILO estimates that 17,000 child laborers are working as bonded laborers in the remnants of the Kamaiya system (*see* Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution stipulates that children shall not be employed in factories, mines, or similar hazardous work and limits children between the ages of 14 and 16 years to a 36-hour workweek. The law established a minimum age for employment of minors at 16 years in industry and 14 years in agriculture and mandated acceptable working conditions for children.

During the year, the ILO estimated that 33,000 children work as bonded laborers. In July 2000, the Government passed the Child Labor Act, the country's first comprehensive child labor law. The law, drafted with the assistance of the ILO, was the first national legislation to establish specific penalties for those who unlawfully employ children. It repeated the existing prohibition of the employment of children under the age of 14 years and renewed the constitutional provision that children between the ages of 14 and 16 years may work, but no more than 6 hours a day and 6 days a week. The law prohibited child labor in tourism, cigarette or carpet factories, mines, or laboratories. Employers must maintain records of all 14-to 16-year-old laborers. However, because the necessary implementing regulations to accompany the law have not yet been passed, implementation was difficult. In September 2001, the Supreme Court, acting on a petition filed by an NGO, ordered sev-

eral government ministries to explain the lack of progress on implementing regulations for the Child Labor Act. The ministries responded to this court order by stating that the continued delay is a result of the necessity to rework the Act to have it comply with the ILO Convention 182.

These legal protections notwithstanding, resources devoted to their enforcement are limited, and children work in many sectors of the economy. NGOs estimated that 2.6 million children—most of them girls—were economically active. Of that number, 1.7 million children worked full time. The agricultural sector accounted for most child laborers—an estimated 95 percent. Roughly 60 percent of children who work also attend school. Approximately 70 to 75 percent of boys who work go to school, compared with 50 to 60 percent of girls who work. ILO Rapid Assessments published in 2001 estimate that 55,000 child laborers worked as domestics in urban areas, 42,000 as porters, 4,000 as rag pickers, and 17,000 as bonded laborers. The bonded laborers continued to work in the remnants of the Kamaiya system, usually as a condition on the employment contract of their parents. Others are economically active in a few small-scale and cottage industries, such as brick and tile works, quarries, coal mines, match factories and auto repair shops. In previous years there were reports that children also were economically active in the carpet weaving, pottery, basket weaving, sewing, and ironsmithing industries.

There were reports that the Maoists use children, including girls, as soldiers, shields, runners, and messengers.

The Ministry of Labor's enforcement record was mixed. According to the Ministry, during 2001 it conducted several hundred inspections of carpet factories in the Kathmandu Valley to ensure that no child labor was present; however, this statement later was retracted. Government monitoring of other industries and of industries outside the Kathmandu Valley was sporadic. The Government also conducted public awareness programs to raise public sensitivity to the problem of child labor.

On May 3, the Supreme Court ruled in favor of Dhiraj K.C., a child laborer who was shackled by his employer, Madhusan Munakarmi, to prevent him from escape from work. The court ordered Munakarmi to pay a fine of $38 (NRs 3,000) and to pay K.C. $961 (NRs 75,000) in compensation.

The private sector has made its own efforts to eradicate child labor, especially in the carpet industry. In August 1999 the carpet manufacturers association pledged publicly to end child labor in the industry by 2005. The Rugmark Foundation certifies carpets made without child labor; over half of all carpet factories participate in this or a similar certification system. As a result of this initiative, and of consumer pressure, Rugmark estimates that children constitute only 2 percent of the work force in the export-oriented carpet industry. However, children's rights activists stated that children remain a part of the work force, in the smaller factories and family weaving units. During the year, Rugmark investigated 71 complaints and conducted 4,037 inspections at 458 factories. Rugmark removed 23 children from employment, and issued warnings to 33 factories.

e. Acceptable Conditions of Work.—In April 2000 the Government passed legislation that raised the minimum monthly wage for unskilled labor to $20 (NRs 1,450). The law also defined monthly minimum wages for semi-skilled labor at approximately $21 (NRs 1,500), skilled labor at $22 (NRs 1,610), and highly skilled labor at $25 (NRs 1,800). The minimum wage for children ages 14 to 16 was set at $16 (NRs 1,144). Additional allowances for food and other benefits as provided by the act total $7 (NRs 500) per month for adult labor, and $5 (NRs 360) per month for children aged 14–16. Wages in the unorganized service sector and in agriculture often are as much as 50 percent lower. The Labor Act calls for a 48-hour workweek, with 1 day off per week, and limits overtime to 20 hours per week.

Health and safety standards and other benefits such as a provident fund and maternity benefits also were established in the act. Implementation of the new Labor Act has been slow, as the Government has not created the necessary regulatory or administrative structures to enforce its provisions. Workers do not have the right to remove themselves from dangerous work situations without fear of losing their jobs. Although the law authorizes labor officers to order employers to rectify unsafe conditions, enforcement of safety standards remains minimal.

f. Trafficking in Persons.—The law prohibits trafficking in persons and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and girls remained a serious problem in several of the country's poorest areas, and borderguards and immigration officials commonly accepted bribes from traffickers. The Government protects the rights of victims and does not detain, jail, or prosecute them for violations of other laws. Young women were by far the most common targets; trafficking of boys was reported in rare instances. While the vast majority of trafficking was of women and girls for sexual exploitation, women and girls some-

times were trafficked for domestic service, manual or semi-skilled bonded labor, or other purposes. The country was a primary source country for the South Asia region; most women and girls trafficked from the country go to India.

Local NGOs combating trafficking estimated that from 5,000 to 12,000 Nepali women and girls were lured or abducted annually into India and subsequently forced into prostitution; however, these numbers were not consistent and NGOs were seeking better estimates. Citizens reportedly also have been trafficked to Hong Kong, Saudi Arabia, and other countries in the Middle East. In some cases, parents or relatives sell women and young girls into sexual slavery. Hundreds of girls and women return voluntarily, were rescued, or were repatriated to the country annually after having worked as prostitutes in India. Most were destitute and, according to some estimates, 50 percent were HIV-positive when they returned.

There is legislation to protect women from coercive trafficking, including a ban on female domestic labor leaving the country to work in Saudi Arabia and other countries in the Gulf; however, enforcement was not strict and penalties were modest. Women's rights groups have protested the ban as discriminatory. Government officials suspected that organized crime groups and "marriage brokers" were the primary perpetrators of trafficking in the country. The traffickers usually were from the country, but have links to brothels in India. NGOs reported that approximately 50 percent of the victims were lured to India with the promise of good jobs and marriage, 40 percent were sold by a family member and 10 percent were kidnaped. These estimates have not been verified. NGOs have found that once prevention programs were initiated in a district, the traffickers move to other areas.

A 2001 study by ILO-IPEC found that 30 percent of sex workers in Kathmandu are below 18 years of age. Another study by a foreign labor department states that 5,000 to 7,000 sex workers were between the ages of 10 and 18 years old. Since 1996 active special police units have dealt with crimes against women and children.

Enforcement of antitrafficking statutes remains sporadic, but the Ministry of Women, Children and Social Welfare (MOWCSW) has introduced legislation to toughen penalties against traffickers. During the year, a Documentation and Information Center was established within the Ministry to coordinate trafficking initiatives. The Human Trafficking Control Act of 1986 prohibited selling persons in the country or abroad and provided for penalties of up to 20 years' imprisonment for traffickers. However, this legislation does not criminalize the separation of minors from their legal guardians with the intent of trafficking them. As a result, no crime occurs until the victim and perpetrators are outside the jurisdiction. There were many social and legal obstacles to successful prosecution, and convictions are rare. Border guards commonly accept bribes to allow contraband and trafficked girls in or out of the country.

According to the 2000–2001 annual report of the Attorney General's Office, 463 antitrafficking cases have been filed, of which 132 resulted in convictions and 95 in acquittals, while 236 remain undecided. A 2001 survey conducted of 3 jails in the capital by the Human Rights and Environment Forum found 180 convicted or alleged traffickers in jail. Those convicted were serving sentences of up to 20 years.

While the Government lacks both the resources and institutional capability to address effectively its trafficking problem, the Government has established a National Task Force at MOWCSW with personnel assigned to coordinate the response. There were programs in place to train the police and the MOWCSW worked closely with local NGOs to rehabilitate and otherwise assist victims. However, the Government lacked the fiscal means to provide adequate training and resources to police, and the courts were overburdened and susceptible to corruption. Government welfare agencies generally were incapable of delivering effective public outreach programs or assistance to trafficking victims. As a result, antitrafficking efforts primarily have been the domain of NGOs and bilateral donors. While the Government has promulgated a "National Plan of Action" to combat trafficking, its implementation has been haphazard.

The Government provided limited funding to NGOs to provide assistance to victims with rehabilitation, medical care, and legal services. The Ministry of Labor and Social Welfare sponsored job and skill training programs in several poor districts known for sending prostitutes to India. In May 1999, the Ministry of Women and Social Welfare opened the Women's Skill Development and Training Center, a rehabilitation and skills training center for women returned from being trafficked and for women and girls at risk of being trafficked. The Government protected the rights of victims and did not detain, jail, or prosecute them for violations of other laws.

The Government, together with NGOs and international organizations, has implemented local, regional and national public awareness campaigns about trafficking in persons. Cultural attitudes toward returned victims of trafficking were often negative and the Government response sometimes reflected that bias. There were more

than 40 NGOs combating trafficking, several of which have rehabilitation and skills training programs for trafficking victims. Two representative NGOs were members of the MOWCSW's National Task Force Against Trafficking. With the Government's endorsement, many NGOs have public information and outreach campaigns in rural areas. These groups commonly use leaflets, comic books, films, speaker programs, and skits to convey antitrafficking messages and education. Some organizations involved in the rehabilitation of trafficking victims state that their members have been threatened and that their offices have been vandalized because of their activities.

During the year, the U.N. Development Fund for Women and the Joint Initiative against Trafficking (a joint project of the U.N. Task Force against Trafficking and the MOWCSW) hosted several workshops to enhance cross-border anti-trafficking collaboration. The International Agency Coordinating Group, comprised of NGOs, bilateral donor agencies, and government agencies, met regularly to share information, plan common approaches, and avoid duplication of work.

PAKISTAN

Pakistan is a federal republic. From a bloodless coup in October 1999 to elections in October, Pakistan was governed by a Provisional Constitutional Order (PCO), which suspended the constitution and parliamentary government. On April 30, President Musharraf held a nationwide referendum to extend his presidency for 5 years, although critics and legal scholars argued that a president cannot be elected by referendum. President Musharraf claimed a 97.5 percent vote in favor of the extension; however, many independent observers cited evidence of systematic fraud and inflated voting figures. Shortly after the referendum, President Musharraf announced a controversial package of constitutional amendments, the Legislative Framework Order (LFO), which amended the suspended Constitution to allow: the President to dismiss the Prime Minister and dissolve the Parliament; the creation of a National Security Council (NSC) as a constitutional body; and the insertion of a number of qualification requirements for candidates for Parliament. One effect of the amendments was to concentrate executive power in the presidency at the expense of the legislature and prime minister. Opposition politicians, lawyers, civil society groups, and many in the international community expressed concern about the amendment package and its constitutional legitimacy. Under the auspices of the LFO-amended constitution, Pakistan held its first national and provincial assembly elections since the October 1999 coup. International observers, NGOs, and human rights activists, including the European Union election observation mission (EUEOM), alleged serious flaws in the national and provincial election framework; however, these observers stated that the election day itself was free of serious irregularities. There were reports of election day violence that killed 7 persons. As a result of the elections, limited power was to be transferred to Parliament and the Prime Minister; however, by year's end, the assembly had met only twice and had not been permitted to debate any issues other than the Prime Minister's vote of confidence. On November 20, Mir Zafarullah Khan Jamali was re-elected as Prime Minister by the newly elected National Assembly, and in December Jamali won a parliamentary vote of confidence, which was required under the Constitution. President Musharraf and the military continued to dominate the Government led by the Pakistan Muslim League (Quaid-e-Azam). Electoral reforms implemented during the year included the elimination of separate electorates for religious minorities, the restoration of National Assembly seats reserved for women candidates, and an increase in the overall number of national assembly seats from 237 to 342. Corruption and inefficiency remained acute, despite reforms initiated by the Musharraf government to reduce corruption; however, these reforms have had some effect on officials at higher levels of government. The Supreme Court demonstrated a limited degree of independence and the overall credibility of the judiciary remained low.

The police have primary internal security responsibilities, although paramilitary forces, such as the Rangers and the Frontier Constabulary, provide support in areas where law and order problems are acute, such as Karachi and the frontier areas. Provincial governments control the police and the paramilitary forces when they are assisting in law and order operations. In August despite criticism from human rights groups, the Government promulgated the Police Ordinance 2002 that included an increase in political control of the police. During some religious holidays, the regular army was deployed in sensitive areas to help maintain public order. Some members of the police committed numerous serious human rights abuses.

Pakistan is a poor country with great extremes in the distribution of wealth; its population was approximately 142 million. Cotton, textiles and apparel, rice, and

leather products are the principal exports. The economy included both state-run and private industries and financial institutions. The Constitution provides for the right of private businesses to operate freely in most sectors of the economy, and there continued to be a strong private sector. The per capita annual income was approximately $475. During the year, the Government pursued several economic reforms designed to alleviate poverty.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens participated in national government elections during the year; however, many observers alleged serious flaws in the legal framework for the election. Unlike in previous years, police committed an increased number of extrajudicial killings. There were fewer killings between rival political factions and sectarian groups during the year; however, there was an increase in violence against Christians. Police abused and raped citizens. While the officers responsible for such abuses sometimes were transferred or suspended for their actions, no officer has been convicted and very few have been arrested. In Karachi there were signs of progress in redressing police excesses; however, in general police continued to commit serious abuses with impunity. Prison conditions remained extremely poor and life threatening, and police arbitrarily arrested and detained citizens. During the year, the Government undertook a major effort to curb religious extremism. Five organizations responsible for sectarian killings were banned by year's end, and the Government accelerated a crackdown on members of several extremist religious groups. Several major political leaders remained in exile abroad at year's end. Case backlogs led to long delays in trials, and lengthy pretrial detention was common. The judiciary was subject to executive and other outside influences, corruption, inefficiency, and lack of resources remained problems. The Government has taken steps to control the judiciary and to remove itself from judicial oversight. Some aspects of the Government's implementation of its anticorruption campaign violated due process. By year's end, two senior Muslim League politicians, Javed Hashmi and Mehtab Abassi were released on bail. The Government infringed on citizens' privacy rights.

The press was able to publish relatively freely; however, several journalists practiced self-censorship, especially on sensitive issues related to the military. Provincial and local governments occasionally arrested journalists and closed newspapers critical of the Government or allegedly accused of printing offensive material. The broadcast media remained a closely controlled government monopoly. Journalists were targets of harassment and violence by individuals and groups. On January 23, Wall Street Journal journalist Daniel Pearl was abducted by terrorists and later killed. During the year, the Government sporadically permitted several large antigovernment demonstrations; however, it prevented other protests and arrested organizers, including for security reasons. The Government imposed some limits on freedom of association, religion, and movement. President Musharraf has spoken out against some of the human rights abuses of the previous government; however, the Government only made minimal progress toward achieving the goals set at conferences devoted to human rights themes that were held during the year.

Significant numbers of women were subjected to violence, rape, and other forms of abuse by spouses and members of society. The Government publicly criticized the practice of "honor killings" but such killings continued throughout the country; however, the Government intervened in two cases of tribal justice and prosecuted the alleged perpetrators. Discrimination against women was widespread, and traditional social and legal constraints generally kept women in a subordinate position in society. Violence against children, as well as child abuse and prostitution, remained serious problems. Female children still lag far behind males in education, health care, and other social indices. Governmental and societal discrimination against religious minorities, particularly Christians and Ahmadis, remained a problem, and the Government failed to take effective measures to counter prevalent public prejudices against religious minorities. Religious and ethnic-based rivalries resulted in numerous killings and civil disturbances, although the number of sectarian attacks against Shi'a professionals declined significantly. Terrorist attacks, particularly against Western and Christian targets, increased significantly. President Musharraf and several cabinet ministers publicly criticized efforts by some clerics to foment hatred and announced a plan to deny the use of madrassahs (Islamic religious schools) for extremist purposes. The Government and employers continued to restrict worker rights significantly. Debt slavery persisted, and bonded labor by both adults and children remained a problem. The use of child labor remained widespread. On August 28, the Government passed the Prevention and Control of Human Trafficking Ordinance; however, trafficking in women and children for the purposes of prostitution and bonded labor was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Police committed extrajudicial killings. There were reports that there was an increase in extrajudicial killings during the year; exact figures were unknown by year's end. The police and security forces were responsible for the deaths of a number of individuals associated with political or terrorist groups during the year.

The extrajudicial killing of criminal suspects, often while in police custody or in staged encounters was common. Police officials generally insisted that these deaths occurred during attempts to escape or to resist arrest; however, family members and the press insisted that many of these deaths were staged. Police personnel have been known to kill suspected criminals to prevent them from implicating police in crimes during court proceedings. In May militant Riaz Basra was shot and killed while being transferred in police custody in Punjab. In August four suspects associated with banned militant group Lashkar-e-Jhangvi were killed in a police encounter while being transferred in Vehari in Southern Punjab. In October Falak Sher died in police custody in Lahore (*see* Section 1.c.). Police also reportedly killed suspected criminals to circumvent or overcome insufficient evidence, to intimidate witnesses, judicial corruption, and, at times, political pressure. Police personnel continued to torture persons in custody throughout the country.

Amnesty International (AI) estimates that at least 100 persons died from police torture each year (*see* Section 1.c.).

On August 20, one protester was killed and 15 were injured when Army Rangers fired into a crowd of farmers in Okara. The farmers were protesting the army's demand that they sign leases for their farmland. The army blockaded several villages for two weeks and cut off power and water to the village in Okara. Several villagers remained hospitalized at year's end. The army investigated the incident; however, no one was charged in connection with the killing. There were no developments in the October 2001 killing of three protesters in Kuchlak or in the November 2001 killing of four demonstrators in Dera Ghazi Khan, Punjab.

During the year, the HRCP reported disturbances at prisons by prisoners over their mistreatment by prison staff. In 2001, eleven prisoners at Adiala jail in Rawalpindi beat a police officer for not allowing their visitors to meet with them. Similar incidents were reported in Sahiwal and Faisalabad districts in 2001. There were reports that four prisoners died in a riot in a Peshawar jail in October 2000; however, prison authorities denied these reports. No disciplinary actions were taken or charges filed in connection with the incident, and the Government is unlikely to take further action.

The Muttahida Quami Movement (MQM), an urban Sindh-based political party that in the past used violence to further its aims claimed that the police specifically targeted its adherents for extrajudicial killings. On April 29, one member of MQM was killed in Karachi when an unknown person fired on President Musharraf's motorcade and police returned fire.

Police officers occasionally were transferred or briefly suspended for involvement in extrajudicial killings. However, rare court-ordered inquiries into these killings resulted in few trials and no convictions. In general police continued to commit such killings with impunity. In September, two policemen were charged with killing a fruit vendor in Lahore. The two policemen allegedly pushed him into oil when he would not meet their payment demands.

Police professionalism was low. New officers received 6 months of training, and many hires were the result of political patronage rather than merit. Salaries and benefits were inadequate. In August 2001, the Government introduced a comprehensive package of police reforms. Key changes included transferring oversight of district superintendents of police (DSP) (a rank roughly equivalent to a lieutenant colonel) from federally appointed district commissioners to elected district mayors; granting DSPs permission to order the use of live fire on their own authority; and the establishment of public safety commissions at the district level. Under this system, a police officer who believes that the district mayor is abusing his authority over local law enforcement will have a place to seek redress. By year's end, the new system had not fully been implemented, and many local officials complained that the new system had no real control over the police.

There were high-profile killings during the year. On April 27, unknown gunmen killed two MQM leaders, Mustapha Kamal Rizvi and Nishat Malik in Karachi. Widespread unsubstantiated speculation surrounded the June 24 death of former Federal Minister of Labor and party leader Omar Asghar Khan, despite official reports that the death was a suicide. Khan resigned from his position in December 2001 to create his own political party, the Qaumi Jamhoori Party. Khan planned

to contest elections in October. At year's end, the investigation into his death continued.

There reportedly was no action taken against the responsible militants in the following 2001 cases: The October killing of a police officer and 16 worshippers at St. Dominic's Church in Bahawalpur or the December killing of Ehtehshamuddin Haider, brother of Interior Minister Moinuddin Haider.

There were numerous bombings during the year. For example, on March 17, 5 persons were killed, including 2 dependents of a U.S. diplomat, and 41 persons were injured, in Islamabad when an unknown individual threw 6 grenades into a Protestant church during services (*see* Section 2.c.). On May 8, 11 persons were killed when a suspected suicide bomber rammed a shuttle bus at the Sheraton hotel in Karachi. On June 14, 12 persons were killed when a bomb exploded outside the U.S. Consulate in Karachi. On November 15, two persons were killed and nine persons were injured when a bomb exploded at a bus station in Hyderabad, approximately 100 miles from Karachi. No one claimed responsibility for any of these acts.

Sectarian violence and tensions continued to be a serious problem throughout the country. Despite the Government's ban on groups involved in sectarian killings, violence between rival Sunni and Shi'a Muslim groups continued, although the number of Shi'a professionals killed in Karachi and elsewhere decreased significantly. In addition, Ahmadis, Christians, and other religious minorities often were the targets of such violence. During the year, at least 53 cases of sectarian violence occurred in the country, most carried out by unidentified gunmen.

For example, on January 1, the Sunni prayer leader of a suburban Usman Ghani Mosque was shot and killed by unknown assailants when he returned home in Karachi. On February 4, Jhang Police Inspector Mohammad Jamil was killed after conducting several successful operations against the Lashkar-e-Jhangvi. The same day, Dr. Fayyaz Karim was shot and killed outside a mosque in Karachi. On April 26, 12 persons were killed and 25 injured when a bomb exploded at a Shi'a place of worship in Bhakkar.

Numerous such killings remain unresolved. On August 14, 2001, unidentified motorcycle riders shot and killed Rizwan Shah, an activist, in the Harkatuk Ansar. During the year, police made no arrests in connection with past sectarian killings.

Honor killings were a problem. HCRP estimated that more than 200 women were killed by family members in so-called honor killings; however many more women are believed to be affected by this crime. For example, HCRP reported that in Pubjab, approximately 280 incidents of honor killings were recorded during the year. Of these 280 incidents, 150 of the women were married and 103 women were single; 17 women were harmed by their fathers, 100 women were harmed by their brothers, 86 women were harmed by their husbands, 11 by their in-laws, 29 by other relatives, 12 by sons, and 23 were harmed by unknowns. Mehvish Miankhel, a member of an influential political family in Dera Ghazi Khan, allegedly was killed by her uncle in April 2001 after her uncle accused her of having an affair. A criminal complaint was filed against Miankhel's uncle, father, grandfather, two cousins, and two maternal uncles on July 7. All were granted pre-arrest bail and were not detained. During the year, police made no arrests in connection with the 2000 killing of Mumlikat Bibi (*see* Section 1.f.).

Tension along the line of control between Pakistan and Indian-held Kashmir was high during the year, and there was shelling in several sectors. In May at the height of the Indo-Pakistani tensions, villages along the border were evacuated. Approximately 194 civilians were killed on the Pakistani side of the line of control at year's end, according to a government official.

b. Disappearance.—Unlike in previous years, there were no credible reports of disappearances at the hands of the security forces.

In the intra-Mohajir violence in Karachi, victims sometimes first were held and tortured by opposing groups (or, as the Muttahida Quami Movement (MQM) - Altaf alleges, by security forces). Bodies of these victims, often mutilated, generally were dumped in the street soon after the victims were abducted; however, the incidence of such crimes decreased greatly during the year.

In July 2000, retired Major General Anwar Sher and an Afghan aide, Abdul Qaher Shariati, disappeared; they were active in organizing Afghans to pursue a peace process. There were no new developments in the case during the year.

On January 28, militants kidnaped and killed foreign correspondent for the Wall Street Journal Daniel Pearl in Karachi. The militants reportedly were part of a group called the National Movement for the Restoration of Pakistani Sovereignty; however, police later arrested Salman Saquib, Fahad Naseem, Sheik Adil, and prominent Islamic militant Sheik Omar Saeed. All four defendants were affiliated with the terrorist organization Jaish-e-Mohammed (JEM). In Hyderabad on July 15

all four defendants were found guilty; Sheik Omar Saeed was sentenced to death; the other three defendants were sentenced to life in prison.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the Penal Code prohibit torture and other cruel, inhuman, or degrading treatment; however, police regularly tortured, and otherwise abused persons. Police routinely used force to elicit confessions; however, there were fewer reports of torture by police during the year. Some human rights groups stated that this decrease reflects the influence of army monitoring teams, who discourage the use of torture; other observers suggested that the frequency of torture remained unchanged, but the media devoted less attention to the issue during the year. Human rights observers suggested that, because of widespread torture by the police, suspects usually confessed to crimes regardless of their actual culpability; the courts subsequently threw out many such confessions. According to the Society for Human Rights and Prisoners Aid (SHARP), 38 deaths due to police torture were reported during the year.

Police personnel continued to torture persons in custody throughout the country. A newspaper reported that there were 80 cases of torture in police custody in Lahore.

Common torture methods included: Beating; burning with cigarettes; whipping the soles of the feet; sexual assault; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; forced spreading of the legs with bar fetters; and public humiliation.

Human rights organizations and the press have criticized the provision of the Anti-Terrorist Act that allows confessions obtained in police custody to be used in "special courts," because police torture of suspects is common. Police generally did not attempt to use confessions to secure convictions under this law.

There was greater scrutiny by NGOs and the media of police behavior, including prison inspections in the Punjab and Sindh. However, the Citizens Police Liaison Committee (CPLC) reported that no new cases had been filed against police officers during the year. CPLC officials believed that police reforms introduced during 2001 (including increased oversight by elected officials) were responsible for fewer abuses. During the year, 60 Punjab police officers reportedly were punished for various offenses. Cooperation between the CPLC and the police human rights complaint unit resulted in the dismissal of 216 policemen and the demotion of or fines for 1,226 others between November 1998 and July 1999.

The Hudood Ordinances, which aimed to make the Penal Code more Islamic, provide for harsh punishments for violations of Shari'a (Islamic law), including death by stoning for unlawful sexual relations and amputation for other crimes. These so-called Hadd punishments require a high standard of evidence. For example, four adult Muslim men of good character must witness an act for a Hadd punishment to apply. In over 20 years since the Hudood Ordinances were adopted, not a single Hadd punishment has been carried out. However, on the basis of lesser evidence, ordinary punishments such as jail terms or fines were imposed. In April a court convicted Zaafran Bibi of adultery and sentenced her to death by stoning. Bibi initially accused her brother-in-law of rape in March 2001, claiming the incident took place 2 weeks prior to her filing the charge. A medical exam at the time determined that she was pregnant, and her husband claimed paternity for the child. On June 6, the Federal Shariat Court acquitted Zafran Bibi of adultery and ordered her release. The Hudood Ordinances were applied to Muslims and non-Muslims alike.

Special women's police stations have been established in response to growing numbers of complaints of custodial abuse of women, including rape. These stations were staffed by female personnel, but receive even fewer material and human resources than regular police stations. Efforts to raise funds for the stations during the year achieved minimal results. According to the Government's Commission of Inquiry for Women, the stations did not function independently or fulfill their purpose. Despite court orders and regulations that only female officers may interrogate female suspects, women continued to be detained overnight at regular police stations and abused by male officers. A Lahore newspaper alleged that of 80 confirmed cases in Lahore of police abuse, 3 were against women. Instances of abuse of women in prisons are less frequent than in police stations. Sexual abuse of child detainees by police or guards reportedly also is a problem.

Police used excessive force against demonstrators during the year (*see* Section 2.b.).

Police at times also beat journalists. In April journalists were beaten as they staged a walk-out on a pro-referendum rally in the Punjab. Six journalists were injured (*see* Section 2.a.).

Impunity remained a problem. Despite some cases during the year in which police officers were investigated or charged in connection with abuse of detainees, the fail-

ure of the Government to prosecute and to punish abusers effectively was widely considered a great obstacle to ending or reducing police abuse. The authorities sometimes transferred, suspended, or arrested offending officers, but seldom prosecuted or punished them; investigating officers generally shield their colleagues. However, in May 2001, the Supreme Court upheld the Lahore High Court's January 2001 conviction of two government doctors for submitting false statements regarding police torture of prisoner Nadeem Iqbal.

Police corruption was widespread. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. Police accepted money for registering cases on false charges and tortured innocent citizens. Persons paid the police to humiliate their opponents and to avenge their personal grievances. District police authorities in Gujranwala in Northern Punjab dismissed 60 policemen for corruption. At least eight police officials in Punjab were convicted for corruption and fined or imprisoned. Police corruption was most serious at the level of the Station House Officer (SHO), the official who runs each precinct. Some SHOs widely were believed to operate arrest-for-ransom operations and to have established unsanctioned police stations to collect illicit revenue. An August 2000 news report listed seven such stations in Karachi. SHOs were powerful; although no such incidents were reported during the year, some were believed to have killed superior officers who tried to stop corrupt practices in the past. Senior government officials have confirmed that police stations, and assignments therein, were sold to interested parties who then proceed to recoup their investment though illicit activities.

During the year, the Government took some steps to reduce police corruption and transferred several senior police officers to other provinces to circumvent their local ties. In Gujranwala, in northern Punjab, district police authorities dismissed 60 policemen and 15 others were retired compulsorily on the charges of corruption and inefficiency in the first six months of the year. In Lahore, six police officials were convicted of taking bribes and sentenced to two years of imprisonment and fined. In August 2001, the Government implemented reforms at the local level that included taking responsibility for the police away from the nonelected District Commissioners while granting oversight authority over the police to the newly elected district nazims (mayors) and newly organized Public Safety Commissions (that are composed of elected and nonelected members). The impact of this reform remained unclear at year's end, although some critics claimed that the reforms will make it easier for politicians to order the police to intimidate and harass their political opponents. Senior government officials predicted that it will take several years of sustained political and financial commitment before positive gains are achieved. At year's end, the Public Safety Commission had not been established due to financial constraints. Actions taken to redress police abuses often have mixed results. In urban Sindh, the CPLC committees helped to curb some excesses, but complaints of large-scale police abuses persisted.

Police failed in some instances to protect members of religious minorities—particularly Christians and Ahmadis—from societal attacks (*see* Section 5).

Prison conditions were extremely poor and life threatening. Overcrowding was widespread. According to the HRCP, SHARP, and International Human Rights Monitor (IHRM), there were 80,000 prisoners in jails that were built to hold a maximum of 35,833 persons. In Adiala Jail in Rawalpindi had prison population of 5,521 in a space designed for 1,800. The HCRP claimed that in a Punjab jail, built to house 17,637 prisoners, contained 56,599. An IHRM report claimed 24 prisoners died in Adiala Jail during the year due to improper health care, poor hygienic conditions and rotten food. IHRM estimated 1,700–2,500 deaths per year due to poor conditions nationwide. Some 80 percent of prisoners were awaiting trial, mostly for petty offenses.

There are three classes (A, B, and C) of prison facilities. Class "C" cells generally hold common criminals and those in pretrial detention. Such cells often have dirt floors and no furnishings. Prisoners in these cells reportedly suffered the most abuse, including beatings and forced kneeling for long periods of time. Unsanitary conditions were common in small, poorly ventilated, and decrepit colonial-era prisons, which mainly were considered class "C." Inadequate food led to chronic malnutrition for those unable to supplement their diet with help from family or friends. Access to medical care was a problem. Mentally ill prisoners normally lacked adequate care and were not segregated from the general prison population (*see* Section 5). Foreign prisoners, mostly citizens of African countries often remained in prison long after their sentences were completed because there was no one to pay for their deportation to their home country. Government officials claimed that years of inadequate budgets were the reason for poor prison conditions. "B" cells often were used for prisoners with a university education or who benefit from political connections. Conditions in "A" and "B" cells were markedly better; prisoners in these cells are

permitted to have servants, special food, and satellite television. Authorities reserved "A" cells for prominent persons, including political leaders. Especially prominent individuals—including some political figures—sometimes were held under house arrest and permitted to receive visitors.

Shackling of prisoners was routine. The shackles used were tight, heavy, and painful, and reportedly have led to gangrene and amputation in several cases. No cases concerning the fettering of minors were reported in the press during the year.

There were reports of prison riots. On November 14, a riot broke out in Sahiwal district jail and one policeman and 20 prisoners were injured. One prisoner later died. The prisoners were allegedly sent to District Jail Kasur where two of them were killed because of severe police torture. No action was taken and no details were provided after the incident.

Female detainees and prisoners were held separately from male detainees and prisoners. According to the Progressive Women's Association, there were approximately 2,765 women in jail nationwide at year's end. Pretrial detainees often are not segregated from convicted criminals.

There are few facilities for convicted prisoners under 21 years of age, and children frequently were incarcerated along with the general prison population. Punjab has two jails for juvenile offenders, and Karachi has an industrial school for juvenile offenders. Children offenders often were kept in separate barracks in adult prisons; however, to keep the children separated, most of the time they were confined to their barracks. There were few educational and recreational facilities available for youth offenders. Many children in prison were born to female inmates who were sexually abused by prison guards. Punjab and Sindh provinces have laws mandating special judicial procedures for child offenders; however, in practice children and adults essentially are treated equally. According to a local NGO, an estimated 4,992 children were held in the nation's prisons at the end of 2001, compared with 4,200 in 2000. Imprisoned children often spent long periods of time in prison awaiting trial or a hearing before a magistrate, often in violation of the law. Children were subject to the same delays and inefficiencies in the justice system as were adults (*see* Sections 1.d. and 1.e.). Human Rights Watch (HRW) reported that children frequently were beaten and even tortured while in detention; usually this was done to extract confessions, but it was done also to punish or intimidate child detainees or to extort payment from their families for their release. Sexual abuse of child detainees by police or guards reportedly was a problem.

Courts also may order that children be sent to reform schools or various types of residential facilities, many designed to provide vocational or other training. There were two facilities—one in Karachi and one in Bahawalpur—that serve as reform schools for juvenile offenders. Juvenile offenders and, in some cases, homeless and destitute children, may be sent to these residential facilities, for terms not to exceed the amount of time until they reach majority. Conditions in these institutions reportedly were poor, similar to those found in jails. Abuse and torture of the children in such institutions was a problem; one study found that 17.4 percent of the inmates of the Youthful Offenders Industrial School in Karachi had been tortured or otherwise mistreated. Educational facilities in these institutions often were inadequate. Extortion on the part of the staff at such institutions reportedly was widespread; parents of inmates often were required to pay lower level staff members to visit their children or bring them food. Drug trafficking by guards and other staff also was a problem; some children reportedly developed drug habits while in these institutions and were supplied drugs by their guards.

Landlords in Sindh and political factions in Karachi operated private jails (*see* Section 1.d.).

The Government permits visits to prisoners and detainees by human rights monitors, family members, and lawyers with some restrictions (*see* Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the authorities did not always comply with the law, and police arbitrarily arrested and detained citizens. The law permits the District Coordinating Officer (DCO) of a local district to order detention without charge for 30 days of persons suspected of threatening public order and safety. The DCO may renew detention in 30-day increments, up to a total of 90 days. Human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to 6 months without charge. For other criminal offenses, police may hold a suspect for 24 hours without charge. After a prisoner appears before a magistrate, the court may grant permission for continued detention for a maximum period of 14 days if the police provide material proof that this is necessary for an investigation. The Musharraf government created the National Accountability Bureau (NAB) and special accountability courts to try corruption cases; the National Accountability Ordinance (NAO) initially permitted those suspected of corrupt prac-

tices to be detained for 90 days without charge (*see* Section 1.e.). In April 2001, the Supreme Court modified several provisions of the NAB ordinance. It reduced the NAB's freedom to hold suspects without charge from 90 days to 15 days, renewable with judicial concurrence. The maximum period of disqualification from political office pursuant to a corruption conviction was reduced from 21 years to 10 years, and the court required that future appointments of key NAB officials receive the Chief Justice's concurrence. In January the Government detained more than 2,000 members of banned extremist and jihad groups. At year's end, all were released on bail after the charges were filed. In addition to the arrests, police closed and sealed offices of the five newly banned groups.

Police may arrest individuals on the basis of a First Incident Report (FIR) filed by a complainant and have been known to file FIR's without supporting evidence. FIR's frequently were used to harass or intimidate individuals. Charges against an individual also may be based on a "blind" FIR, which lists the perpetrators as "person or persons unknown." If the case is not solved, the FIR is placed in the inactive file. When needed, a FIR is reactivated and taken to a magistrate by the police; the police then name a suspect and ask that the suspect be remanded for 14 days while they investigate further. After 14 days, if the case is dropped for lack of evidence, another FIR is activated and brought against the accused. In this manner, rolling charges can be used to hold a suspect in custody continuously.

If the police can provide material proof that detention (physical remand or police custody for the purpose of interrogation) is necessary for an investigation, a court may extend detention for a total of 14 days. However, such proof may be little more than unsubstantiated assertions by the police. In practice the authorities do not observe fully the limits on detention. Police are not required to notify anyone when an arrest is made and often hold detainees without charge until a court challenges them. The police sometimes detained individuals arbitrarily without charge or on false charges to extort payment for their release. Human rights monitors reported that a number of police stations have secret detention cells in which individuals are kept while police bargain for their release. There also were reports that the police move prisoners from one police station to another if they suspect a surprise visit by higher authorities. Some women continued to be detained arbitrarily and sexually abused (*see* Sections 1.c. and 5). Police also detained relatives of wanted criminals in order to compel suspects to surrender (*see* Section 1.f.).

The Federally Administered Tribal Areas (FATA) have a separate legal system, the Frontier Crimes Regulation (FCR), which recognizes the doctrine of collective responsibility. Authorities are empowered to detain fellow members of a fugitive's tribe, or to blockade a fugitive's village, pending his surrender or punishment by his own tribe in accordance with local tradition. On June 22, a woman in Meerwala, Punjab, was gang-raped on the orders of a council of tribal elders as punishment for her brother's alleged affair with a woman of a higher tribe. Authorities alleged that the tribal jury threatened to have all women in the family raped unless the girl submitted to the punishment. Government authorities were notified a few days after the incident and the Punjab police arrested eight suspects, including the alleged rapists and some individuals who pressed the tribal council to issue the verdict. On August 31, an Anti-terrorist Court ruled that four rapists and two jurors should receive the death penalty. The court awarded life imprisonment and a fine to each of the other four defendants. At year's end, the cases were appealed with the Appellate Tribunal. At year's end, President Musharraf sent the girl $8,300 (PKR 500,000) as compensation (*see* Section 5).

The police also have been known to detain persons as a result of personal vendettas.

The law stipulates that detainees must be brought to trial within 30 days of their arrest. However, in many cases, trials do not start until 6 months after the filing of charges. During the year the HRCP estimated that there were almost as many individuals awaiting trial in jail as there were prisoners serving sentences. The HRCP reported that in Punjab 35,260 males were awaiting trial, while only 11,068 males had been convicted. In 1999 in 62 city courts, 7,000 prisoners were awaiting trial in 6,000 cases; in 3,500 of these cases, the police had not even brought a "challan," or indictment, to the court.

Persons in jail awaiting trial sometimes were held for periods longer than the sentence that they would have received if convicted. Court officials reported that each judge reviews between 70 and 80 cases per day, but that action was taken on only 3 or 4 each week. According to the Pakistan Law Commission, there were 10,515 cases pending in the Supreme Court as of September 30, 2001. Clogged lower courts exacerbate the situation; the majority of cases in the High Courts consist of appeals of lower court rulings. Once an appeal reaches the High Court, there are further opportunities for delay because decisions of individual judges frequently are referred

to panels composed of two or three judges. There continued to be charges that magistrates and police, under pressure from provincial and federal officials to achieve high conviction rates, persuaded detainees to plead guilty without informing them of the consequences. Senior government officials acknowledged during the year that this was a problem. Politically powerful persons also attempted to influence magistrates in their decisionmaking, sometimes threatening to transfer magistrates to other assignments.

Asif Zardari, husband of former Prime Minister Benazir Bhutto, has waited for more than 5 years for the start of his trial on charges of killing his brother-in-law, Murtaza Bhutto in 1997. In April 1999, Zardari was tried and convicted separately on corruption charges. In December 2001 Zardari received bail but was not released; the NAB ordered his continued detention on suspicion of corruption.

The Government permitted visits to prisoners and detainees by human rights monitors, family members, and lawyers (*see* Section 1.c.), with some restrictions. In some cases, authorities refuse family visits and, in some police stations, persons must to pay bribes to see a prisoner. Foreign diplomats may meet with prisoners when they appear in court but generally are refused permission for prison visits. Local human rights activists reported few restrictions to their access to prisons, even though the Government continued to deny prison visits by the ICRC.

The Government justified the creation of antiterrorist courts by citing the large number of murder and other cases that are clogging the regular court system (*see* Section 1.e.). The antiterrorist courts reportedly sentenced 39 persons to death during the year.

The Government sometimes used preventive detention, mass arrests, and excessive force to quell protests or civil unrest and to prevent political meetings. On a number of occasions, police arrested persons prior to demonstrations under the Criminal Procedures Code ban (*see* Section 2.b.). These arrests were carried out under Section 16 of the Maintenance of Public Order Act, which prohibits speech that "causes or is likely to cause alarm to the public."

Despite governmental claims that NAB cases would be pursued independent of an individual's political affiliation, NAB had selectively targeted certain persons in the anti-corruption campaign (*see* Section 1.e.). As of the end of October, the NAB filed 507 cases, with 287 convictions, 39 acquittals, 6 case withdrawal and 220 cases in progress. Senior opposition figures charged that NAB threats were used to pressure politicians to join the PML-Q, run as independents, or vote for Prime Minister Jamali in the vote of confidence during the year. For example, according to HRW, Aftab Sherpao, an influential PPP leader and former chief minister from the North-West Frontier Province (NWFP) returned this year from London to face corruption charges. He subsequently was acquitted after his faction of the PPP pledged its support for Musharraf in the referendum on his presidency. At year's end, Sherpao was elected to the National Assembly and became Minister for Water and Power.

During the year, few journalists reportedly were arrested, according to the NGO Journalists for Democracy and Human Rights. The police charged journalists at a referendum rally in April. In September several journalists attempting to travel into Afghanistan reportedly were detained.

Following the 1999 coup, the Musharraf government detained without warrants and without charges several dozen political figures, military officers, and government administrators. At year's end, most of them had been released. By year's end, two senior Muslim League politicians, Javed Hashmi and Mehtab Abassi were released on bail.

In December 2000, the Government commuted former Prime Minister Nawaz Sharif's prison sentence, confiscated assets belonging to the Sharif family, and exiled him and 18 of his family members to Saudi Arabia for 10 years. During the year, Saifur Rehman and Saeed Mehdi Sharif were acquitted of maintenance of public order charges. Sharif also had to agree to withdraw from politics while in exile. Some observers claimed that the Government exiled Sharif both to remove him from politics and to reduce the power and influence of the opposition.

Many persons apprehended by the NAB (*see* Section 1.e.) remained in detention past the ordinance's stipulated 90 days detention without charge. During the year, Mian Manzoor Watoo, Sattar, and Dr. Farooq Sattar were released from custody; however, Sattar's 2000 conviction on widely disputed corruption charges continued at year's end.

Hundreds of MQM activists have been arrested since November and remained in custody at year's end; some of these activists were being held without charge. According to MQM officials, police have arrested more than 700 MQM officials during the past 3 years. In April a Hyderabad MQM organizer was charged with inciting people to violence during a strike and on April 19, the Government arrested MQM Senator Aftab Shaikh.

Women were charged under the Hudood Ordinances for sexual misconduct, such as adultery. A Hudood law meant to deter false accusations is enforced weakly, and one human rights monitor claimed that 80 percent of adultery-related Hudood cases were filed without supporting evidence. In 1998 approximately one-third of the women in jails in Lahore, Peshawar, and Mardan were awaiting trial for adultery; that percentage likely remains accurate. Most women tried under the ordinance were acquitted, but the stigma of an adultery charge alone is severe. Men accused of rape sometimes were acquitted and released, while their victims were held for adultery or fornication. The Commission of Inquiry for Women recommended that the Hudood laws be repealed, saying they are based on an erroneous interpretation of Shari'a (*see* Section 5).

Private jails exist in tribal and feudal areas. Human rights groups alleged that as many as 50 private jails, housing some 4,500 bonded laborers, were being maintained by landlords in lower Sindh (*see* Section 6.c.). Some prisoners reportedly have been held for many years. In the five districts of upper Sindh, landlords defied the courts and police by holding tribal jirgas, which settle feuds, award fines, and even sentenced persons to the death penalty in defiance of provincial laws.

AI reported that both citizens and non citizens were arbitrarily arrested on suspicion of being al-Qa'ida or Taliban fighters, and some of these persons were deported to their home countries. However, the exact number of those detained, arrested or deported was unknown by year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to executive branch and other outside influences, and despite the Musharraf government's pledge to respect the independence of the judicial system, the Government took steps to control the judiciary and to remove the Government from judicial oversight. On August 22, the Legal Framework Order (LFO) amended the Constitution and the PCO to allow: The empowerment of the President to dismiss the Prime Minister and dissolve the Parliament; formalized the role of the army in governance by the creation of a National Security Council (NSC) as a constitutional body; and the insertion of a number of qualification requirements for candidates for Parliament. The PCO issued in October 1999, provided that all courts functioning at the time of the coup would continue to operate, but that no court would have the power to issue orders against President Musharraf or any person exercising powers or jurisdiction under his authority. President Musharraf further undermined the independence of the judiciary when he ordered all Supreme Court, Shari'at court, and provincial High Court justices to take an oath to uphold the PCO that brought the military into power. Low salaries, inadequate resources, heavy workloads, corruption, and intimidation by political and religious pressure groups contributed to judicial inefficiency, particularly in the lower courts. Six Supreme Court justices, including the Chief Justice, and nine provincial High Court justices resigned in protest; however, 85 percent of the affected justices agreed to swear allegiance to the PCO. As a result of this decree, government directives and ordinances under the PCO no longer were subject to judicial review, including the LFO which brought about fundamental changes to the Constitution. Some government officials claimed that President Musharraf issued this decree due to concerns that judges were being bribed to rule against the Government in the court challenges to the military takeover. Many persons criticized this requirement, stating that it effectively ended the role of the judiciary as an independent body. In June the Supreme Court ruled that the October referendum was constitutional and further cast doubt on the independence of the judiciary from the military government (*see* Section 3).

The judicial process continued to be impeded by bureaucratic infighting, inactivity, and the overlapping jurisdictions of the different court systems. Heavy backlogs that severely delayed the application of justice remained, due to scores of unfilled judgeships and to archaic and inefficient court procedures. The politicized appointment process held up the promotion of many lower court judges to the High Courts. Although the higher level judiciary was considered competent and generally honest, there were widespread reports of corruption among lower level magistrates and minor court functionaries. In 2000 the Supreme Court ruled that it was legal for the Musharraf government to amend the Constitution as long as the amendments did not change the basic character of the Constitution, and reserved the right to review the military's performance, the continued necessity of the Emergency Proclamation, and the PCO. Many observers criticized the Supreme Court decision as vague and contradictory. The Government respected this ruling during the year. In April 2001, the Supreme Court also modified several provisions of the NAB ordinance, and the Government respected the amended provisions during the year. Despite these decisions, the overall credibility of the judiciary remained low.

The judicial system involves several court systems with overlapping and sometimes competing jurisdictions. There were civil and criminal systems with special courts for banking, antinarcotics, and antiterrorist cases, as well as the federal Shariat court for certain Hudood offenses. The appeals process in the civil system was: Civil court, district court, High Court, and the Supreme Court. In the criminal system, the progression was magistrate, sessions court, High Court, and the Supreme Court.

The civil judicial system provided for an open trial, the presumption of innocence, cross-examination by an attorney, and appeal of sentences. Attorneys were appointed for indigents only in capital cases. There were no jury trials. Due to the limited number of judges, the heavy backlog of cases, lengthy court procedures, and political pressures, cases routinely take years, and defendants must make frequent court appearances. Cases start over when an attorney changes. Under both the Hudood and standard criminal codes, there were bailable and nonbailable offenses. According to the Criminal Procedures Code, the accused in bailable offenses must be granted bail, and those charged with nonbailable offenses should be granted bail if the alleged crime carries a sentence of less than 10 years. Many accused, especially well-connected persons who are made aware of impending warrants against them, were able to obtain prearrest bail, and thus were spared arrest and incarceration.

Double jeopardy applies to those convicted of possessing narcotics because of a federal Shariat court ruling that customs and narcotics cases be initiated separately. During 2001 the Lahore High Court ordered the release of eight prisoners, including five foreign nationals, who had served their sentences under the Customs Act and were awaiting trial for a narcotics charge arising out of the same incident. The court noted that the law did not allow punishment twice for the same offense.

The judiciary argued that it failed to try and convict terrorist suspects in a timely manner because of poor police casework, prosecutorial negligence, and the resulting lack of evidence. In response to this problem, the Anti-Terrorist Act was passed; special antiterrorist courts began operations in 1997. The antiterrorist courts, designed for the speedy punishment of terrorist suspects, have special streamlined procedures; however, due to the continued intimidation of witnesses, police, and judges, the courts initially produced only a handful of convictions. Under the act, terrorist killings were punishable by death and any act, including speech, intended to stir up religious hatred, is punishable by up to 7 years' rigorous imprisonment. Additional offenses that can be tried under the Anti-Terrorist Act include acts to stir-up religious feelings; efforts to "wage war against the State"; conspiracy; acts committed in abetting an offense; and kidnaping of or abduction to confine a person. The Government has used the anti-terrorist courts for high-profile cases, including the Daniel Pearl kidnaping and killing, the Meerwala gang rape incident, and the Okara farmer protest. Cases were to be decided within 7 working days, but judges were free to extend the period of time as required. Trials in absentia initially were permitted but later were prohibited. Appeals to an appellate tribunal also were required to take no more than 7 days, but appellate authority since has been restored to the High and Supreme Courts, under which these time limits do not apply. Under the Anti-Terrorist Act, bail was not to be granted if the court has reasonable grounds to believe that the accused is guilty.

In June 2001, the Musharraf government approved an amendment to the Anti-Terrorist Act. The new ordinance defines terrorism as "the use or threat of action where the use, or threatened use, is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect or create a sense of fear or insecurity in society; and the use or threat is made for the purpose of advancing a political, religious, ideological, or ethnic cause." In November the Government approved an amendment to the anti-terrorism law; however, it has yet to be ratified by the Parliament. The new amendment gives the Government the authority to restrict the activities of suspected terrorists, probe their assets, and hold them for up to a year, without charges filed against them.

Leading members of the judiciary, human rights groups, the press, and politicians from a number of parties expressed strong reservations about the antiterrorist courts, charging that they constitute a parallel judicial system and could be used as tools of political repression. Government officials and police believed that the deterrent effect of the act's death penalty provisions contributed to the reduction in sectarian violence after its passage. The antiterrorist courts also are empowered to try persons accused of particularly "heinous" crimes, such as gang rape and child killings, and several persons have been tried, convicted, and executed under these provisions.

The Musharraf government created by ordinance a special antiterrorist court in Sindh presided over by a High Court justice rather than a lower level judge, as was

usually the case. The amended provision permitted the High Court justice to "transfer . . . any case pending before any other special court . . . and try the case" in his court. Supporters of Nawaz Sharif maintained that these changes were designed to help the Musharraf government prosecute Sharif. The 2000 trial of Nawaz Sharif and six codefendants on charges of hijacking was the most widely publicized case tried by an antiterrorist court. Diplomatic observers who attended the Sharif trial concluded that the trial generally was fair, open, and transparent. In October 2000, the appeals court upheld Nawaz Sharif's convictions for hijacking and terrorism but combined them into one offense. The court also denied the prosecution appeal to upgrade Sharif's sentence to the death penalty, reduced the amount of property forfeiture, and affirmed the antiterrorism court's acquittals of the six codefendants.

The Musharraf government in 1999 created by ordinance the NAB and special accountability courts to try corruption cases (*see* Section 1.d.). The NAB was created in part to deal with as much as $4 billion (PKR 208 billion) that was estimated to be owed to the country's banks (all of which were state-owned at the time; several have since been privatized) by debtors, primarily from among the wealthy elite. The Musharraf government stated that it would not target genuine business failures or small defaulters and does not appear to have done so. The NAB was given broad powers to prosecute corruption cases, and the accountability courts were expected to try such cases within 30 days. As originally promulgated, the ordinance prohibited courts from granting bail and gave the NAB chairman sole power to decide if and when to release detainees.

The ordinance also allowed those suspected by the State Bank of Pakistan of defaulting on government loans or of corrupt practices to be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, did not allow access to counsel. In accountability cases, there was a presumption of guilt, and conviction under the ordinance can result in 14 years' imprisonment, fines, and confiscation of property. Those convicted also originally were disqualified from running for office or holding office for 10 years. In August 2000, the Government announced that persons with a court conviction would be barred from holding party office. This provision was used during the general election to prevent certain candidates from entering the contest.

Despite government claims that NAB cases would be pursued independent of an individual's political affiliation, NAB has taken a selective approach to anti-corruption efforts (*see* Section 1.d.).

The Government denied press reports that it had decided not to pursue accountability cases against active members of the military or the judiciary; however, no serving members of the military or the judiciary have been charged by the NAB. However, in May former Chief of the Naval Staff Mansoor ul-Haq was charged with corruption under the NAB ordinance. Ul-Hag pled guilty, agreed to repay the money, and was released in January. The Government also withdrew the privilege of retention of the rank of admiral. During 2001, Jehangir Badr, Mehtab Abbasi, and Javed Hashmi were arrested by the NAB; all but Badr were released by year's end.

The Hudood ordinances criminalize nonmarital rape (*see* Section 5), extramarital sex (including adultery and fornication), and various gambling, alcohol, and property offenses. Offenses were distinguished according to punishment, with some offenses liable to Hadd, or Koranic, punishment (*see* Section 1.c.), and others to Tazir, or secular punishment. Although both types of cases were tried in ordinary criminal courts, special, more stringent rules of evidence apply in Hadd cases; Hadd punishments were mandatory if there was enough evidence to support them. Hadd punishments regarding sexual offences were most severe for married Muslims; for example, if a married Muslim man confesses to rape or there are four adult male Muslim witnesses to the act, the accused must be stoned to death; if the accused rapist is not Muslim or married, if he confesses, or if the act is witnessed by four adult males (not all Muslim), the accused must be sentenced to 100 lashes with a whip, and such other punishment, including death, as the court may deem fit. The testimony of four female witnesses, or that of a rape victim alone, is insufficient to impose Hadd punishments. If the evidence falls short of Hadd criteria, then the accused may be sentenced to a lesser class of penalties (Tazir). Since it is difficult to obtain sufficient evidence to support the Hadd punishments, most rape cases are tried at the Tazir level, under which sentences may be imposed of up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there was no distinction between Muslim and non-Muslim offenders. Under Tazir the evidentiary requirement for financial or future obligations is for two male witnesses or one male and two female witnesses; in all other matters, the court may accept the testimony of one man or one woman (*see* Section 5).

The federal Shariat court and the Shari'a bench of the Supreme Court serve as appellate courts for certain convictions in criminal court under the Hudood ordinances. The federal Shariat court also may overturn any legislation judged to be inconsistent with the tenets of Islam. However, these cases may be appealed to the Shari'a bench of the Supreme Court. In two areas of the NWFP—Malakand and Kohistan—the Government in 1999 announced plans to implement Shari'a law by regulation and by ordinance, respectively. In September 1999, the NWFP assembly passed a bill that incorporated the Kohistan ordinance into law (*see* Section 2.c.). In November, the new MMA-led government of NWFP reportedly affirmed to the media its plan to implement Shair'a law in the province. However, no information was given as to when the plan would enter into force.

Appeals of certain Hudood convictions involving penalties in excess of 2 years imprisonment were referred exclusively to the Shariat courts and were heard jointly by Islamic scholars and High Court judges using ordinary criminal procedures. Judges and attorneys must be Muslim and must be familiar with Islamic law. Within these limits, defendants in a Shariat court were entitled to the lawyer of their choice. There was a system of bail.

The Penal Code incorporates the doctrines of Qisas (roughly, an eye for an eye) and Diyat (blood money). Qisas was not known to have been invoked; however, Diyat occasionally was applied, particularly in the NWFP, in place of judicial punishment of the wrongdoer. Only the family of the victim, not the State, may pardon the defendant. The Hudood, Qisas, and Diyat ordinances applied to ordinary criminal courts and Shariat courts. According to Christian activists, if a Muslim kills a non-Muslim, he can redress the crime by paying Diyat to the victim's family; however, a non-Muslim who kills a Muslim does not have the option of paying and must serve a jail sentence or face the death penalty for his crime. Failure to pay Diyat in noncapital cases can result in indefinitely extended incarceration, under Section 331 of the Diyat ordinance. Some persons remained in prison after completion of their terms for failure to pay Diyat.

Administration of justice in the FATA normally is the responsibility of tribal elders and maliks, or leaders. They may conduct hearings according to Islamic law and tribal custom. In such proceedings, the accused have no right to legal representation, bail, or appeal. The usual penalties consist of fines, even for murder. However, the Government's political agents, who were federal civil servants assigned to tribal agencies, oversaw such proceedings and could have imposed prison terms of up to 14 years. Paramilitary forces under the direction of the political agents frequently conducted punitive actions during enforcement operations. For example, in raids on criminal activities, the authorities have damaged surrounding homes as extrajudicial punishment of residents for having tolerated nearby criminal activity (*see* Section 1.f.).

In previous years, in remote areas outside the jurisdiction of federal political agents, tribal councils levy harsher, unsanctioned punishments, including flogging or death by shooting or stoning.

Another related form of justice operating in the NWFP, particularly in the tribal areas, is the concept of Pakhtunwali, or the Pakhtun Tribal Code, in which revenge is an important element. Under this code, a man, his family, and his tribe are obligated to take revenge for wrongs—either real or perceived—to redeem their honor. More often than not, these disputes arise over women and land, and frequently result in violence (*see* Section 5). In Meerwala, Punjab a woman was gang-raped on the orders of a council of tribal elders (*see* Sections 1.d. & 5). In a village outside Mianwali, a tribal council permitted a family to give eight girls, ages 5 to 16, in marriage to another family, in exchange for the commutation of the death sentence for four family members.

There were reports of approximately 10 political prisoners in custody at year's end. Some political groups also argue that they were marked for arrest based on their political affiliation (*see* Section 1.d.). The MQM in particular has argued that the Government used antiterrorist court convictions in Sindh to silence its activists; however, there were no political arrests during the general election campaign.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Government infringed on citizens' privacy rights. The Anti-Terrorist Act allowed police or military personnel acting as police to enter and to search homes and offices without search warrants, and to confiscate property or arms likely to be used in an alleged terrorist act (which is defined very broadly). This provision never was tested in the courts. The Government promulgated new antiterrorist ordinances in October 1998, April 1999, and in August 2001. The purpose of the 2001 ordinance was to strengthen the power of the judiciary to prosecute terrorism cases. Under the ordinances, many blasphemy cases were tried by antiterrorist courts. By law the police need a warrant to search a home, but not to search a person. Despite this law, po-

lice entered homes without a warrant and sometimes stole valuables during searches. Specifically, human rights activists criticized the new Police Ordinance 2002 for broadening police power to search and enter homes. In the absence of a warrant, a policeman is subject to charges of criminal trespass. However, police seldom were punished for illegal entry.

The Government maintained several domestic intelligence services that monitor politicians, political activists, suspected terrorists, and suspected foreign intelligence agents. Credible reports indicated that the authorities routinely use wiretaps and intercepted and opened mail. The Supreme Court directed the Government to seek its permission before carrying out wiretapping or eavesdropping operations; however, the judiciary's directive has been ignored widely. No action was taken during the year in the 1996 case of 12 government agencies accused of tapping and monitoring citizens' phone calls and no additional action was expected.

Unlike in previous years, provincial governments did not forcibly move landless laborers from their temporary camps.

Civil marriages do not exist; marriages are performed and registered according to one's religion. Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (*see* Section 2.c.).

While the Government generally does not interfere with the right to marry, the Government on occasion assisted influential families to prevent marriages they oppose. The Government also failed to prosecute vigorously cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members. In June 2000, Mumlikat Bibi was killed in her parents' home in the village of Yar Hussain in the NWFP. Her father, who reportedly opposed Bibi's efforts to choose a spouse without parental consent, was accused of being the culprit (*see* Section 1.a); his trial was ongoing at year's end.

In some cases, the authorities have detained relatives in order to force a family member who was the recipient of an arrest warrant to surrender (*see* Section 1.d.).

The Frontier Crimes Regulation, the separate legal system in the FATA, permits collective responsibility, and empowers the authorities to detain innocent members of the suspect's tribe, or to blockade an entire village (*see* Section 1.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and citizens generally were free to discuss public issues; however, some journalists practiced a degree of self-censorship. The Government did not attempt to exercise direct control over views expressed in the print media. Newspaper editorials and commentators increasingly were critical of the Government; however, direct criticism of the military and judiciary was rare. In September 2001 the Ministry of Information directed the media to avoid direct criticism of the United States or of the Government's cooperation in combating terrorism. However, unlike in the past and despite restrictions imposed on the electronic media, foreign journalists operating in the country were permitted to broadcast stories without obtaining prior clearance from the Ministry of Information. Investigative journalism was rare; instead, the press acts freely to publish charges and countercharges by named and unnamed parties and individuals representing competing political and social interests. Both governmental and nongovernmental entities sometimes pay for favorable media coverage.

During the year, the Government established a 21-member Press Council, to oversee the quality of journalism in the country. The Council is made up of senior press editors, journalists, and the Secretary of Information. In September the Government promulgated the Defamation Ordinance, which required accused journalists to produce proof of their stories in court. If the proof was not produced, the journalists could be fined approximately $900 (PKR 50,000) or sent to prison for 3 months. The editors of the national press widely criticized this promulgation.

The Constitution also prohibited the ridicule of Islam, the armed forces, or the judiciary. The Penal Code mandates the death sentence for anyone defiling the name of the Prophet Mohammad, life imprisonment for desecrating the Koran, and up to 10 years in prison for insulting another's religious beliefs with the intent to outrage religious feelings (*see* Section 2.c.). The Anti-Terrorist Act stipulates imprisonment with rigorous labor for up to 7 years for using abusive or insulting words, or possessing or distributing written or recorded material, with the intent to stir up sectarian hatred. No warrant was required to seize such material.

In January the Government further amended the Anti-Terrorist Act to ban five of the extremist Tehrik-e-Ja'fria Pakistan, Sipah-e-Sihaba-Pakistan, Lashkar-e-Taiba, Jaish-e-Mohammed, and Tehrik-e-Nifaz-e-Sharait-e-Muhammadi groups (*see*

Sections 2.b. and 2.c.); the amendments also made any person who printed, published, or disseminated any material from these organizations subject to 6 months' imprisonment.

Provincial and local governments occasionally arrested journalists and closed newspapers accused of printing offensive material, but this was not a widespread practice. In March Shaheen Sehbai, the influential editor of the English-language newspaper The News, resigned. He alleged that he was leaving under pressure from the Government. In January 2001, the Government closed the Frontier Post, an English-language daily based in Peshawar, and arrested five members of its staff after the Frontier Post published a letter to the editor that allegedly contained derogatory characterizations of the Prophet Mohammad. Most of the staff later was released on bail, and the paper was permitted to reopen after a period of several months. However, the paper's presses were burned by a mob in January 2001, reportedly while the police stood by and did little to stop it.

The State no longer publishes daily newspapers; however, the Ministry of Information controls and manages the country's primary wire service, the Associated Press of Pakistan (APP). The APP is both the Government's own news agency and the official carrier of international news to the local media. The few small privately owned wire services usually were circumspect in their coverage of sensitive domestic news and tended to follow a government line; however, there were some controversial news stories published during the year. For example Online news agency discussed the Intelligence Agency's (ISI) alleged manipulation of the October elections.

Privately owned newspapers freely discussed public policy and criticized the Government. They reported remarks made by opposition politicians, and their editorials reflected a wide spectrum of views. Local police, political parties, ethnic, sectarian, and religious groups, militant student organizations, and occasionally commercial interests exerted heavy pressure on newspapers to carry their statements or press releases. Such pressure was a common feature of journalism; among extreme groups it can include physical violence, the sacking of offices, the intimidation or beating of journalists, and interference with the distribution of newspapers. The police investigation of the 2001 attack of the bureau chief of the Hyderabad newspaper Ummat, was ongoing at year's end. At times landlords and their agents, who have become accustomed to terrorizing with impunity the citizens living on their lands, retaliate against journalists who report on their actions. Journalists working in remote areas could expect more difficulties from local authorities and influential individuals than their urban counterparts. However, violence against and intimidation of journalists was a nationwide problem.

The Government occasionally denied visas to journalists who were from India or were of Indian descent.

The broadcast media were mainly government monopolies directed by the Pakistan Broadcasting Corporation and Pakistan Television (PTV), although private cable channels broadcasting from abroad had a growing audience. Domestic news coverage and public affairs programming on these media were controlled closely by the Government and traditionally reflected its views. One private radio station, one television broadcaster, and a semi private cable television station were licensed under special contractual arrangements with the Government. The semi private television station, Shalimar Television Network (STN), occasionally rebroadcast PTV news. While the STN routinely censors those segments considered to be socially or sexually offensive, rarely, if ever, were foreign news stories censored for content. The Ministry of Information exercised some influence over broadcasting by restricting government advertising. It also monitored advertising on all broadcast media, editing or removing advertisements deemed morally objectionable.

During the year, 22 licenses were issued to private sector entrepreneurs and 3 were operative by year's end. Three television broadcasters, and a semi—private cable television station were licensed under special contractual arrangements with the Government. Two satellite channels, Geo and Indus News, were also issued licenses. These two private sector news broadcasters were given liberty to report freely.

Satellite dishes readily were available on the local market and were priced within reach of almost everyone with a television set—well into the lower-middle classes. South Asian satellite channels (usually India-based) have become important sources of news and popular entertainment. The MMA government in NWFP pledged to ban satellite and cable television in the province because of its "immoral and un-Islamic content."

The competitive nature of politics helps to ensure press freedom since the media often serve as a forum for political parties, commercial, religious, and various other interests to vie with and criticize each other publicly. Although the press rarely criticizes Islam as such, leaders of religious parties and movements were not exempt

from public scrutiny and criticism. In September 2001 several newspapers published letters to the editor that were critical of religious parties that continued to express support for the Taliban. Sufi Mohammad, the leader of a prominent political Islamic group, was criticized for his role in encouraging teenage boys to fight for the Taliban.

The press traditionally avoided negative coverage of the armed forces, and the Office of Inter-Services Public Relations (ISPR) held press coverage of military matters under close restraint. However, after the 1999 coup, journalists reported no attempts by the ISPR to influence editorial content. Discussion of the defense budget continued during the year, especially in the English-language press. Personnel changes among senior army officers also were discussed widely in the press, and newspapers published calls for extending the accountability process to include former military officers. Although many journalists chose to exercise self-censorship regarding the military during the year, the Government permitted significant criticism of retired military officials. President Musharraf was the subject of intense and public criticism during the year.

Reports of intimidation, heavy-handed surveillance, and legal action to quiet unduly curious or nondeferential journalists were common in the past, but these reports have declined significantly since the coup. During the year only a few journalists were arrested, according to the HCRP. The Government has considerable leverage over the press through its substantial budget for advertising and public interest campaigns and its ability to enforce regulations. Human rights groups, journalists, and opposition figures accused the Government of attempting to silence journalists and public figures; however, there had been fewer such complaints since the coup. According to HRW, on July 25 editor of the daily Jasarat, Muzaffar Ejaz reportedly was abducted by members of the ISI and interrogated about the publication of a controversial article on faction politics in the Muslim League. He was released the next morning.

In September 2001, the Government enacted the Freedom of Information Ordinance, which required every government office to designate a freedom of information officer who would be responsible for providing replies to written applications within 21 days. However, the law excluded all classified documents and did not define what constitutes classified information.

On April 14, police assaulted journalists in Faisalbad, Punjab province, during a rally staged to promote the October referendum (*see* Section 1.c.). According to the Committee to Protect Journalists (CPJ), 15 journalists were injured and a large number of civilians were hurt. On April 15, Information Minister Nisar Memon expressed regret over the attack and ordered an inquiry into the incident. There were no reports of any action taken against the responsible members of the police who used excessive force to disperse demonstrations during the year.

On May 4, unknown persons shot and killed the editor of Urdu daily "Kohistan" while he was in his office in Lahore. On October 22, unknown assailants attacked and killed a prominent journalist, Shahid Soomro, while he was in his home in Kandhkot. No one claimed responsibility and police officials have yet to identify any suspects.

There were no further developments in the following 2001 cases: Shakil Shaikh, Abu Bakar Siddique, Hayat Ullah, and the two British journalists expelled, allegedly for being involved in activities that defamed the country.

Foreign books must pass government censors before being reprinted. Books and magazines may be imported freely, but likewise are subject to censorship for objectionable sexual or religious content. In September 2001, the Government censored an article in Newsweek magazine concerning the case of Dr. Younis Shaikh, who was arrested on blasphemy charges in October 2000 and sentenced to death in August (*see* Section 2.c.). However, the Government permitted the publication of the same article in a Pakistani magazine.

Obscene literature, a category broadly defined by the Government, was subject to seizure. Dramas and documentaries on previously taboo subjects, including corruption, social privilege, narcotics, violence against women, and female inequality, were broadcast on television; however, some sensitive series have been canceled before being broadcast. In December police detained two dozen movie theater and video shop owners in a crackdown on pornographic and unlicensed cinemas by the new Islamist government of the North-West Frontier. The provincial police chief, Muhammad Saeed Khan, also issued a statement that set a 48-hour deadline for the police to remove "vulgar and obscene" billboards.

The Government generally respected academic freedom. However, the atmosphere of violence and intolerance fostered by student organizations, typically tied to religious political parties, continued to threaten academic freedom, despite a Supreme Court ruling that prohibited student political organizations on campuses. On some

university campuses, well-armed groups of students, primarily from radical religious organizations, had armed clashes with and intimidated other students, instructors, and administrators over issues such as language, syllabus contents, examination policies, grades, doctrines, and dress. These groups frequently facilitated cheating on examinations, interfered with the hiring of staff, controlled who was admitted to the universities, and sometimes also controlled the funds of the institutions. Such control generally has been achieved through a combination of protest rallies, control of the campus media, and threats of mass violence. At Punjab University, the student wing of the political party Jaamat-i-Islami (the largest Islamic political party) attempted to continue to impose its self-defined code of conduct on teachers and students by threatening to foment unrest on campus if its demands were not met.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom "to assemble peacefully and without arms subject to any reasonable restrictions imposed by law in the interest of public order"; however, the Government imposed significant restrictions on this right during the year. Rallies and processions on streets, roads, and railway stations remained prohibited, and provincial and district administrations were given authority to determine the time and place of meeting. Ahmadis have been prohibited from holding any conferences or gatherings since 1984(*see* Section 2.c.). Throughout the year, the Government occasionally interfered with large opposition rallies, which were held by an alliance of political parties. In March 2000, the Musharraf government enacted an ordinance banning all public political gatherings, processions, and strikes held outdoors. During the election campaign, the Government approved some public political gatherings, including pro-government and opposition candidates rallies and outdoor meetings. During the year, the ban was enforced unevenly.

District magistrates occasionally exercised their power under the Criminal Procedures Code to ban meetings of more than four persons where demonstrations seemed likely to result in violence. During the year, police made preventive arrests of political party organizers prior to announced demonstrations. For example, on April 21, the Government prevented a protest and arrested several party leaders by the Jamaat-i-Islami (JI) party in Lahore, even through the JI officials claimed they received prior permission for the protest. On July 12, police blocked roads leading to the city square and arrested nine local Alliance for the Restoration of Democracy (ARD) leaders after the party attempted to hold a rally against the draft constitutional amendments. The Government generally allowed all Islamist parties to hold rallies and campaign; however, the Government denied rally permits to secular parties.

In previous years, the MQM had been harassed in its regular political activities, especially by the Sindh police. Police frequently arrested PML leaders and supporters in order to prevent planned demonstrations during the year; the HRCP noted that all public PML demonstrations in Karachi were prevented, except for meetings at the party's headquarters (*see* Section 1.d.).

Police sometimes used excessive force against demonstrators. On July 29, police shot and killed four protesters in Islamabad. The demonstrators were protesting their eviction from a sector in Islamabad.

The authorities sometimes prevented leaders of religious political parties from traveling to certain areas if they believed their presence would increase sectarian tensions or cause public violence (*see* Section 2.d.).

The Constitution provides for freedom of association subject to restriction by government ordinance and law; however, the Government limited this right in practice. NGOs were required to register with the Government under the "Cooperative Societies and Companies" Ordinance of 1960. NGOs usually register through the Ministry of Social Welfare and must submit to a 6-month probationary period during which the Government tracks their activities. NGOs also are required to submit a progress report after the completion of this period, and then they are registered formally. No prominent NGO reported problems with the Government over registrations during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and stated that adequate provisions shall be made for minorities to profess and practice their religions freely; however, the Government limited freedom of religion. The country is an Islamic republic in which approximately 95 percent of the population is Muslim. The majority of the population is Sunni Muslim, but an estimated 15 percent of the population is Shi'a. The Constitution required that laws be consistent with Islam and imposed some elements of Koranic law on both Muslims and religious minorities. In July 2000, President Musharraf amended the PCO in order to incorporate the Islamic provisions of the Constitution, which include the definition of "Muslim" and "non-Muslim" and procedures regarding Shariat courts. While there

was no law establishing the Koranic death penalty for apostates (those who convert from Islam), social pressure against apostasy is so powerful that most such conversions take place in secret. Reprisals and threats of reprisals against suspected converts were common. Members of religious minorities were subject to violence and harassment, and police at times refused to prevent such actions or to charge persons who commit them, which contributed the impunity for acts of violence and intimidation against religious minorities.

All citizens, regardless of their religious affiliation, were subject to certain provisions of Shari'a. In the Malakand division and the Kohistan district of the NWFP, ordinances required that "all cases, suits, inquiries, matters, and proceedings in the courts shall be decided in accordance with Shari'a." These ordinances define Shari'a as the injunctions found in both the Koran and the Sunna (tradition) of the Prophet Mohammed. Islamic law judges, with the assistance of the Ulema (Islamic scholars), under the general supervision of the Peshawar High Court, tried all court cases in the Malakand Division and the Kohistan District. Elsewhere in the country, partial provisions of Shari'a apply.

The Constitution protected religious minorities from being taxed to support the majority religion; no one may be forced to pay taxes for the support of any religion other than his own. For example, Sunni Muslims are subject to the "zakat," a religious tax of 2.5 percent of their income; however, Shi'a Muslims and other religious minorities do not pay the "zakat."

In January the Government eliminated the separate electorates system which had long been a point of contention between religious minorities and human rights groups on the one side and the Government on the other. With the elimination of the separate electorate system, political representation is to be based on geographic constituencies that represent all residents regardless of religious affiliation. Minority group leaders believed this change may help to make public officials take notice of the concerns and rights of minority groups. Because of their concentrated populations, religious minorities could have significant influence as swing voting blocks in some constituencies. Few non-Muslims were active in the country's mainstream political parties due to limitations on their ability to run for elective office under the previous separate electorates system.

During the year, the number of cases filed under the blasphemy laws continued to be significant. A Christian NGO reported that 58 cases were registered during 2000 and 2001, compared to 53 cases during 1999–2000. In October 2000, police arrested Nasir Ahmad of Rajanpur district under Section 295(b) for allegedly defiling a copy of the Koran. Ahmad remained in custody and his trial had not been concluded at year's end. The blasphemy laws also have been used to "settle scores" unrelated to religious activity, such as intrafamily or property disputes. On July 5, a mob of approximately 300 persons killed a 48-year-old Muslim on the fatwa of a cleric in the central Punjab province. The man previously had been charged with blasphemy; however, he was acquitted on the grounds he was mentally ill.

In July HRW reported that Wajihul Hassan was sentenced to death for allegedly having made phone calls to the complainant that contained derogatory remarks about the Prophet. In April 2001, police registered a blasphemy case against Pervez Masih, a Christian in Sialkot District, Punjab. Masih, who owns a private school, was arrested under section 295(c) of the Penal Code and placed in Sialkot District jail where he remained at year's end. Christian leaders alleged that the case was filed at the behest of Mohammad Ibrahim, a Sunni Muslim educator who owned a rival school in the same village. In May 2000, a lower court in Sialkot district, Punjab, sentenced two Christian brothers to 35 years' imprisonment each and fined them each $1,500 (PKR 75,000) for allegedly desecrating the Koran and blaspheming the Prophet Mohammed. Lawyers for the brothers filed an appeal in the Lahore High Court that was to be heard in January 2001; however, the hearing was rescheduled for February after the judge in the case retired. The two brothers remained in detention at year's end. By year's end, the Supreme Court dismissed the blasphemy case against Ayub Masih who was released after 6 years in solitary confinement.

Police also arrest Muslims under the blasphemy laws; government officials maintain that approximately two-thirds of the total blasphemy cases that have been brought to trial have affected Muslims. Dr. Younis Shaikh sentenced in 2000 on blasphemy charges was denied bail, sentenced to death, and fined $1,580 (PKR 100,000) by a sessions court on August 18. His case was under appeal at year's end. Yusuf Ali, who had been convicted of blasphemy and sentenced to death, was shot and killed in the Lahore Central Jail by another inmate on July 11. Some jail officials were arrested in connection with the incident, including an Assistant Superintendent (who reportedly took responsibility for the shooting and stepped down).

At year's end, the shooting was still under investigation by the authorities. The 1998 death sentence of Shi'a Muslim Ghulam Akbar was under appeal at year's end.

When blasphemy and other religious cases are brought to court, extremists often pack the courtroom and make public threats about the consequences of an acquittal. As a result, the accused often are denied requests for bail on the grounds that their lives would be at risk from vigilantes if released. Many judges also try to pass such cases to other jurists; some judges reportedly have handed down guilty verdicts to protect themselves and their families from religious extremists.

The Constitution specifically prohibited discriminatory admission to any governmental educational institution solely on the basis of religion. Government officials state that the only factors affecting admission to governmental educational institutions are students' grades and home provinces. However, students must declare their religion on application forms. Ahmadis and Christians reported discrimination in applying to government educational institutions due to their religious affiliation.

"Islamiyyat" (Islamic studies) is compulsory for all Muslim students in state-run schools. Although students of other faiths legally are not required to study Islam, they are not provided with parallel studies in their own religions. In practice teachers compel many non-Muslim students to complete Islamic studies.

On June 19, the Government announced the Madrassah Registration Ordinance of 2002, which went into effect immediately. Under the ordinance, all madrassahs (religious schools) were required to register with the Pakistan Madrassah Education Board and provincial boards. Madrassahs failing to do so may be fined or closed. The madrassahs no longer are allowed to accept grants or aid from foreign sources, although madrassahs offering courses in science, math, Urdu, and English are eligible for government funds. Madrassahs were given 6 months to comply. The ordinance was designed to regulate the madrassahs, where many poor children are educated, and to combat religious extremism.

The Government designates religion on passports, and to get a passport citizens must declare whether they are Muslim or non-Muslim. Muslims also must affirm that they accept the unqualified finality of the prophethood of Mohammed and declare that Ahmadis are non-Muslims.

Permission to buy land comes from one municipal bureaucracy, and permission to build a house of worship from another. For all religious groups, the process appeared to be subject to bureaucratic delays and requests for bribes.

The Government distinguished between Muslims and non-Muslims with regard to politics and political rights. Furthermore, according to the Constitution, the President and the Prime Minister must be Muslim. The Prime Minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims) must take an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan" (*see* Section 3).

The Ahmadis are subject to specific restrictions under law. A constitutional amendment declared Ahmadis to be a non-Muslim minority because, according to the Government, they do not accept Mohammed as the last prophet of Islam. However, Ahmadis regard themselves as Muslims and observe Islamic practices. In May the Government announced the restoration of a voter registration form designed to single out Ahmadis. The section, which required Muslims to swear they believe in the "finality of Mohammed's prophethood," singled out members of the Ahmadis sect who are less categorical about this tenet of Islam. The Government and anti-Ahmadi religious groups have used this provision extensively to harass Ahmadis. Ahmadis suffer from various restrictions of religious freedom and widespread societal discrimination, including violation of their places of worship, being barred from burial in Muslim graveyards, denial of freedom of religion, speech, and assembly, and restrictions on their press. Several Ahmadi mosques remained closed. Ahmadis have been prohibited from holding conferences or gatherings. Ahmadis are prohibited from taking part in the Hajj (the annual Muslim pilgrimage to Mecca). Some popular newspapers publish anti-Ahmadi "conspiracy" stories, which contribute to anti-Ahmadi sentiments in society.

Acts of sectarian and religious violence continued during the year (*see* Section 5). A number of massacres in churches and mosques brought into question the Government's ability to prevent sectarian and religious violence. The worst religious violence was directed against the country's Shi'a minority, who continued disproportionately to be victims of individual and mass killings. Despite the Government's ban on groups involved in sectarian killings, violence between rival Sunni and Shi'a Muslim groups continued during the year. Many of the victims were Shi'a professionals—doctors and lawyers—who were not politically active or involved with sectarian groups. During the year, at least 53 cases of sectarian violence occurred in the country, most carried out by unidentified gunmen. For example, on February 4, Dr. Fayyaz Karim was shot and killed outside a mosque in Karachi. On June 17,

three Shi'a men were shot and killed by unknown gunmen outside of a Shi'a mosque, who was opposed by the Sunni extremist groups Lash-Kar-e Jhangyi and Singh Sahaba Pakistan.

Sectarian violence between members of different religious groups received national attention during the year and continued to be a serious problem. Christians, Ahmadis, and other religious minorities often were the targets of such violence.

Christians have been victims of violence. For example, in March an attack on a church in Islamabad left five persons dead, including two foreign nationals. In August gunmen attacked the Murree Christian School and killed four persons. Three days later, militants threw grenades at worshippers at a Christian hospital in Taxila and left three persons dead. On December 25, 3 children were killed and 14 were injured in a grenade attack on a Christian Church in Chianwala village in Sialkot. On December 27, police detained four men, including a radical Muslim cleric, on suspicion of carrying out the Christmas day attack. During the year, police made no arrests in connection with past sectarian killings. Numerous such killings remain unresolved.

Several incidents of sectarian violence between rival Sunni and Shi'a groups typically occur during Muharram, the time when Shi'a Muslims mourn the death of the Prophet Mohammed's nephew Ali and Ali's son Hussain. Government efforts to stem a wave of violence, including mass arrests of those suspected of participating in sectarian violence, resulted in no deaths during the year.

Beginning in 2001 and throughout the year, the Government undertook a major effort to curb religious extremism and address the intimidation of religious minorities. On January 12, the Government banned another five groups suspected of inciting religious violence and jihad: Tehrik-e-Ja'fria Pakistan, Sipah-e-Sihaba-Pakistan, Lashkar-e-Taiba, Jaish-e-Muhammad, and Tehrik-e-Nifaz-e-Sharait-e-Muhammadi. Hundreds of local and national offices were closed, and almost 2,000 members of these groups were arrested in the weeks following the announcement. Most detainees were low-level organization members who were released after 90 days without being charged. Rumors persisted that higher level party leaders enjoyed the protection and patronage of government agencies, and avoided arrest by going underground. In late June, the authorities in Lahore arrested at least 30 members of 2 of the banned groups. By year's end, the Government accelerated its detention of members of several extremist groups. In addition, violence in country has prompted the Government on several occasions to round up hundreds of members of religious extremist groups and students at madrassahs believed to be terrorist recruiting centers and training grounds.

Government authorities afford religious minorities fewer legal protections than are afforded to Sunni Muslim citizens. Members of religious minorities are subject to violence and harassment, and police at times refuse to prevent such actions or to charge persons who commit them.

Ahmadi individuals and institutions often are targets of religious intolerance, much of which is instigated by organized religious extremists. Ahmadi leaders charge that militant Sunni mullahs and their followers sometimes stage marches through the streets of Rabwah, a predominantly Ahmadi town and spiritual center in central Punjab. Backed by crowds of 100 to 200 persons, the mullahs purportedly denounce Ahmadis and their founder, a situation that sometimes leads to violence. The Ahmadis claim that police generally are present during these marches but do not intervene to prevent trouble. For example, in January Ghulam Mustafa Mohsin was killed in his home in District Toba Tek Sing, after receiving a series of death threats.

Ahmadis suffer from harassment and discrimination and have limited chances for advancement into management levels in government service. In the past few years Ahmadis claim that even the rumor that someone may be an Ahmadi or have Ahmadi relatives can stifle opportunities for employment or promotion. Ahmadi students in public schools are subject to abuse by their non-Ahmadi classmates, and the quality of teachers assigned to predominantly Ahmadi schools by the Government generally is poor. However, most Ahmadis are home-schooled or go to private Ahmadi-run schools. Young Ahmadis complain of difficulty in gaining admittance to good colleges and consequently having to go abroad for higher education. Certain sections of the Penal Code discriminate against Ahmadis, particularly the provision that forbids Ahmadis from "directly or indirectly" posing as Muslims. Armed with this vague wording, mullahs have brought charges against Ahmadis for using standard Muslim salutations and for naming their children Mohammed.

The predominantly Ahmadi town and spiritual center of Chenab Nagar (formerly known as Rabwah) in Punjab often has been a site of violence against Ahmadis (*see* Section 5).

Other religious minority groups also experienced considerable discrimination in employment and education. In the country's early years, minorities were able to rise to the senior ranks of the military and civil service; now many were unable to rise above mid-level ranks. The Government claimed that officers in the military were promoted strictly on merit, and there were two active duty generals who were members of religious minorities. The lack of religious minorities at higher levels of the military partially may be due to the limited number of minorities who opt for a career in the armed forces.

Discrimination in employment reportedly was common. Christians in particular have difficulty finding jobs other than menial labor, although Christian activists say the employment situation has improved somewhat in the private sector. Christians were overrepresented in the country's most oppressed social group—that of bonded laborers. Many Christians complained about the difficulty that their children face in gaining admission to government schools and colleges, a problem they attribute to discrimination. Many Christians continued to express fear of forced marriages between Muslim men and Christian women, although the practice was relatively rare. Reprisals against suspected converts to Christianity occur, and a general atmosphere of religious intolerance has led to acts of violence against religious minorities.

Although there were few Jewish citizens in the country, anti-Semitic sentiments appeared to be widespread, and anti-Semitic and anti-Zionist press articles were common.

However, the return of joint electorates eliminated parliamentary and assembly seats reserved for minorities. Some minority leaders complained that these seats should have been retained after the joint electorate system was eliminated.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, the Government limited them in practice. The Government at times prevented political party leaders and religious leaders from traveling to certain parts of the country (*see* Section 2.b.). Travel to Israel is prohibited by law, but some citizens may visit Israel without penalty by not getting their passports stamped by the Government of Israel. Government employees and students must obtain "no objection" certificates before travelling abroad, although this requirement rarely was enforced against students.

Citizens regularly exercised the right to emigrate. However, an Exit Control List (ECL), which was made public but was revised constantly, was used to prevent the departure of wanted criminals and individuals under investigation for defaulting on loans, corruption, or other offenses. Soon after coming to power, the Musharraf government increased the use of the ECL, reportedly to prevent those suspected of loan defaults or corruption from leaving the country. The focus apparently was on potential loan defaulters as part of the Musharraf government's emphasis on accountability. However, according to the Government, there were approximately 2,450 names on the ECL for the period of January to September. No judicial action was required to add a name to the ECL; those named have the right to appeal to the Secretary of Interior and, if refused, to the Advocate General of the senior judiciary. In practice courts have directed the Government to lift restrictions on some politicians on the ECL.

The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, nor has the Government adopted domestic legislation concerning the treatment of refugees or the granting of asylum status. In December 1999, the office of the U.N. High Commissioner for Refugees (UNHCR) noted a change from the practice of granting "prima facie" status to all Afghans in the country; under the current policy, the Government treats all undocumented Afghans as aliens under the Foreigners Act, making them potentially subject to deportation. However, in practice the Government has allowed the vast majority of the Afghans who have entered the country to remain. On October 22, the Government, Afghanistan and UNHCR agreed on an Afghan/Pakistan refugee accord, which institutionalized the voluntary repatriation of 1.8 million Afghan refugees from Pakistan for three years. The Government will continue its negotiation with UNHCR and the Government of Afghanistan on procedures for the screening and repatriation of Afghans in the refugee camps. In the past, the fear of large numbers of new refugees trying to enter the country coupled with the absence of a legalized asylum framework and the sharp economic competition with host communities led to a more restrictive admissions policy and a deterioration in protection for many refugees.

The Government generally cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting registered refugees. The Government provided first asylum to approximately 200,000 persons during the

year. First asylum has been provided to refugees from Afghanistan since 1979. In November 2001, President Musharraf announced that limited numbers of "vulnerable" Afghan refugees would be allowed to enter the country, including injured persons, unaccompanied minors, the elderly, and those from drought-affected areas of Afghanistan; adherence to this policy fluctuated through year's end. Refugees that did not fit into this category still were denied entry to the country. The Government refers to refugees who entered the country after September 2001 as "externally displaced persons" and works with UNHCR to provide services to them. There remain an estimated 1.5 million Afghan refugees in the country who have been granted first asylum, and live in refugee camps (mainly in the NWFP and Baluchistan). There also were an estimated 1.4 million unregistered Afghans in urban areas throughout the country, including in Peshawar, Quetta, Islamabad, Rawalpindi, and Lahore. In January UNHCR set up two new camps (Dara I and Dara II) on the Pakistan side of Chaman border to accommodate the approximately 20,000 refugees in one week. On February 27, the Ministry of Interior announced that the country would not allow UNHCR to process new arrivals. At one point, there were up to 40,000 persons waiting to be registered and relocated. The Government officially never reversed its position on vulnerable persons, but said that none of the new arrivals met the vulnerable criteria. In response, UNHCR improved the humanitarian conditions in the waiting areas and redoubled its efforts to establish Zhare Dasht settlement on the Afghan side of the Chaman border. UNHRC reported the situation for refugees improved during the year.

Many Afghan refugees continued to live and work in the country, and were self-supporting and lived outside of refugee camps, usually in urban or semi-urban areas. This resulted in some hostility among local communities whose residents resent the economic competition and believe that the refugees contribute to high crime rates. Conditions for refugees outside of the camps often were worse than for those in the camps. Refugees outside the camps also faced harassment by the police, especially in Peshawar, Islamabad, and Rawalpindi. Single women, female-headed households, and children who work on the streets faced particular security problems.

Most refugee camps were well established, and living conditions resembled those in neighboring villages, even though most direct assistance to the camps ended in the early 1990's. Most recent arrivals have gone to urban areas like Peshawar or Quetta, but some have settled in the new Akora Khattak camp, the Shamshatoo camp, and the New Shamshatoo camp. Conditions for newly arrived Afghans generally were worse than conditions in the well-established camps. For example, sanitation, health care, shelter, and fresh water were continuing problems in the new camps. Some of the most recent arrivals still reside in makeshift tents. Severe overcrowding was a problem (at one point the camp housed approximately 60,000 persons). The Government and UNHCR opened several camps to house the most recent arrivals from Afghanistan, and to accommodate undocumented refugees from Quetta. By year's end, more than 100,000 refugees were housed in the new refugee camps. Refugees in the Nasir Bagh camp were evicted on June 8 because the owners of the land the camp was located on proceeded with the construction of a housing development. Some residents returned to Afghanistan voluntarily; others were relocated to other camps.

The Government occasionally harassed refugees and threatened them with deportation; harassment and threats of deportation of Afghan refugees increased during the year. On May 8, officials in Islamabad and Rawalpindi rounded up and arrested 580 Afghans, after a killing of two policemen in Rawalpindi. On June 11, 68 of the 580 were deported and the remainder were released on June 21 without being deported. There were reports of instances in which police demanded bribes from Afghans and threatened them with deportation if they did not pay. It is unknown how many Afghans may have been deported in this manner during the year. Complaints were made with the State and Frontier Regions Ministry, the Interior Ministry, and the NWFP provincial government that such summary deportations did not comply with the law. The refugee community expressed increasing fear of deportation, and cited this fear as the reason why more male family members remained at home, thus reducing family income.

The Government cooperated with UNHCR to support voluntary repatriations to rural areas of Afghanistan considered to be safe. On March 1, UNHCR started a voluntary repatriation program and opened centers throughout both the country and Afghanistan and offered financial and other assistance to repatriating refugees. UNHCR estimated that approximately 400,000 Pakistan-based Afghan refugees would participate; however, by the end of September, over 1.5 million had repatriated. Afghan refugees have limited access to legal protection and depend on UNHCR and group leaders to resolve disputes among themselves and with the Government.

Most able-bodied male refugees have found at least intermittent employment; however, they are not covered by local labor laws. NGOs and private entities provided women and girls with better education and health care than was available in Afghanistan. However, Afghan women working for NGOs were targets for occasional harassment and violence by conservatives and Taliban sympathizers.

The resettlement of Biharis continued to be a contentious issue, and at year's end no further resettlement has occurred.

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

The Constitution provided citizens with the right to change their government peacefully, and citizens participated in government elections during the year. However, in practice, President Musharraf and the military continued to dominate the federal coalition government led by the Pakistan Muslim League (Quaid-e-Azam). In June 2001, President Musharraf issued an amendment to the existing PCO that allowed him to become President and formally dissolved the National Assembly, the Senate, and the provincial assemblies. The Musharraf government pledged to return the country to a democracy; however, President Musharraf stressed his priority first to build a strong economic and political foundation in order to avert another bout of "sham" democracy. President Musharraf abided by the May 2000 Supreme Court ruling that mandated that national elections were to be held in October. The October national elections were deemed somewhat free and fair by many international observers. However, some NGOs and election observers accused the Government of pre-poll rigging, poll irregularities, and tampering with results on selected seats to help pro-government candidates.

The Government announced a series of ordinances that regulated the elections. These ordinances limited political parties' ability to organize and campaign before the October elections. One measure required all political parties to elect their leadership and refused registration to any party whose leaders had a court conviction. Individuals with convictions were barred from running for office. Effectively this measure sidelined the PPP's Benazir Bhutto, convicted in absentia of absconding from NAB charges, and PML-N's Nawaz Sharif, convicted of hijacking in 2000. Other changes included limiting the size of gatherings, processions, the use of loudspeakers, the size of posters and hung banners, and educational requirements for candidates. The late announcement of the election schedule also curtailed the campaign season to less than 5 weeks, in contrast to the usual 90 days.

Prior to the elections, political parties and civilian groups alleged the Government wielded its influence unduly in "pre-poll rigging." These NGOs claimed the top provincial leadership as well as members of the federal government and military agencies pressured members of other parties to join the progovernment PML-Q, or run independently. Local government officials, elected in August 2001 as part of a devolution of power program, were accused of helping progovernment candidates by delivering needed services and development funds to key electoral constituencies. Others accused police and army personnel of intimidation of voters and party workers.

On April 30, President Musharraf held a nationwide referendum on a five-year extension of his presidency and claimed to have received a 97.5 percent vote in favor of the referendum. However, some independent observers found evidence of widespread fraud and coerced voting. Politicians, lawyers, and civil society groups criticized the referendum and argued that a president could only be elected as prescribed in the Constitution, and that the referendum could not be used to elect a president. In June the Supreme Court ruled that the referendum was constitutional; however, the court allowed the results to be revisited by an elected parliament. By year's end, the elected Parliament had not debated the April referendum. In August the Government announced the Legislative Framework Order (LFO), which amended the Constitution and the PCO to allow: the empowerment of the President to dismiss the Prime Minister and dissolve the Parliament; the creation of a National Security Council as a constitutional body; and the insertion of a number of qualification requirements for candidates for Parliament. Under the auspices of the LFO-amended constitution, Pakistan held the first national and provincial assembly elections since the October 1999 coup. International observers, NGOs, and human rights activists, including the European Union election observation mission (EUEOM), alleged serious flaws in the national and provincial election framework; however, these observers stated that the election day itself was free of serious irregularities. There were reports of election day violence that killed 7 persons. The Government had established the National Reconstruction Bureau (NRB) to develop political reforms and a framework for elections in previous years. During the year, the NRB reformed electoral laws that included the elimination of the separate electorates system for religious minorities (*see* Section 2.c.) and the tripling of National Assembly

seats reserved for women. Although many persons welcomed these changes, the major political parties continued to call for the return of exiled political leaders.

Citizens' right to change their government also was restricted by the executive's strong influence on the judiciary. The Supreme Court demonstrated little independence during the year. Its unanimous decision in favor of the presidential referendum and its consistent support of government changes to electoral procedures resulted in approval of all of the Government's proposed electoral and constitutional changes. In January 2000, President Musharraf ordered all of the justices in the country to swear to uphold his PCO, and not to make any decision against the Chief Executive or any person exercising powers or jurisdiction under his authority; as a result, government directives and ordinances under the PCO no longer are subject to judicial review (*see* Section 1.e.).

Citizens participated in national government elections during the year; however, many NGOs alleged there were serious flaws in the election. The PML-Q won a majority of seats and formed a government.

Despite the measures the Government designed to make the electoral commission independent of government control, the election commission came under severe criticism when it failed to protect an area clearly within its mandate from interference by state authorities. According to the EU, the electoral commission's failure to curb the authorities' misuse of state resources in favor of political parties for the PML-Q raised serious doubts about its independence. Furthermore, in January the Government appointed Irshad Hassan Khan, the retired Chief Justice of the Supreme Court, to be Chief Election Commissioner. Irshad was known for his role in presiding over the April 2000 Supreme Court ruling that upheld the legality of the October 1999 coup. His appointment raised further doubts about the commission's independence.

During 2001, President Musharraf focused on the need to reduce the power of the central government by devolving power to the local level. Between December 31, 2000, and August 2001, elections for local government assemblies were held in the country's 97 districts. Directly elected union councilors formed an electoral college to elect a district mayor (nazim) and members of district council. According to local and international election observers, the elections generally were free and fair. However, the Government was accused by some political parties of intervening in several mayoral races to ensure that the pro-Musharraf candidates were elected. Such government pressure was most evident in Lahore and Rawalpindi. In February 2001, the Government modified laws governing local elections to permit minorities to vote for district and township mayoral positions on a joint-electorates basis.

The Musharraf government did not ban political parties, and the parties active prior to the 1999 coup, including the Pakistan Muslim League (which was led by former Prime Minister Nawaz Sharif) continued some activities. During the year, the Government forced the PPP and PML-N to elect leaders other than Benazir Bhutto and Nawaz Sharif by refusing to register any parties whose leaders had a court conviction. The Government also amended the Political Parties Act to bar any person from becoming Prime Minister for a third time. This amendment effectively barred Benazir Bhutto and Nawaz Sharif from power.

The Government permitted progovernment and religious parties to assemble and hold processions; however, other political parties often were denied permission to stage political events (*see* Section 2.b.). The Government arrested 3,000 persons in opposition political parties during the year. On March 23, police detained 400 leaders and workers of the Alliance for the Restoration of Democracy (ARD) to prevent them from attending an opposition rally in Lahore. In March 2000, President Musharraf issued an ordinance banning all political gatherings held outdoors (*see* Section 2.b.). The ban remained in effect at year's end. The National Accountability Ordinance (NAO) prohibits those convicted of corruption under the NAO from holding political office for 10 years (*see* Section 1.d.). In August 2000, the Government amended the Political Parties Act to disqualify automatically anyone with a court conviction from holding party office. Legal observers expressed concern over the concentration of power in the NAO, the fact that NAO chairmen have all been members of the military, and the presumption of guilt in accountability cases.

Because of a longstanding territorial dispute with India, the political status of the northern areas—Hunza, Gilgit, and Baltistan—was not resolved. As a result, more than 1 million inhabitants of the northern areas were not covered under the Constitution and have had no representation in the federal legislature. An appointed civil servant administers these areas; an elected Northern Areas Council serves only in an advisory capacity and has no authority to change laws or to raise and spend revenue.

There are 60 of women in the 342-seat National Assembly; there is one woman in the Cabinet; and none in the Supreme Court. During 2001 the Musharraf govern-

ment set aside one-third of the seats in the local council elections for female candidates. During the year, the NRB enacted electoral reforms that include the tripling of National Assembly seats reserved for women. According to the Election Commission, 2,621 women competed for 1,867 reserved seats at the district level in 2001. In some districts, social and religious conservatives prevented women from becoming candidates; however, in several districts, female candidates were elected unopposed. Women participate in large numbers in elections, although some are dissuaded from voting by family, religious, and social customs. In districts of the NWFP and southern Punjab's tribal areas, conservative religious leaders lobbied successfully to prevent women from contesting elections or casting ballots. According to press reports, female voters were threatened and their families intimidated from voting and running for office. In October the MMA coalition of religious parties declared that the families of women who voted in NWFP would be fined. Prime Minister Jamali has one female minister and one female special advisor. Provincial governors appointed by President Musharraf also have named women to serve in provincial cabinets.

There are 10 minorities in the 342-seat legislature; there are none in the Cabinet; and there are none in the Supreme Court. The Government distinguished between Muslims and non-Muslims with regard to politics and political rights (*see* Section 2.c.). Furthermore, according to the Constitution, the President and the Prime Minister must be Muslim. The Prime Minister, federal ministers, and ministers of state, as well as elected members of the Senate and National Assembly (including non-Muslims) must take an oath to "strive to preserve the Islamic ideology, which is the basis for the creation of Pakistan." Electoral reforms prepared during the year eliminated the separate electorate system for religious minorities. In addition to joint electorates, minorities could vote for reserved at-large candidates who would represent their groups. The Musharraf government restored the conditions for voting as outlined in the Constitution; however, pressure from religious groups led the Government to declare that Muslim voters had to sign an oath to declare the finality of the prophet Mohammed. Voters who did not sign the oath would be put on a separate electoral roll in the same constituency. This requirement singled out Ahmadis. Under the previous electoral system, minorities voted for reserved at-large seats, not for nonminority candidates who represent actual constituencies. Under Article 106 of the Constitution, minorities also had reserved seats in the provincial assemblies (*see* Section 2.c.).

Prior to 1997, in keeping with local traditions, tribal leaders, or maliks, appointed in the governor's name by the central government's political agents in each agency, elected the FATA National Assembly members. In accordance with the Government's general ban on political party activities in the FATA, candidates were not allowed to register by political party, and political party rallies were not allowed. However, several political parties did campaign covertly. Tribal members, including large numbers of women in some areas, registered to vote despite campaigns by some tribes against their participation. However, on election day far fewer registered women than registered men actually voted.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, they are required to be licensed. Government officials often were cooperative and responsive to their views. Human rights groups reported that they generally had good access to police stations and prisons. The Government cooperated with international and local NGOs in a number of high profile cases, including the Merrwala gang rape incident. These NGOs provided access to international organizations and helped to spearhead investigations into the incident. The Government provided protection to human rights lawyers defending accused blasphemers following threats and attacks on the lawyers by religious extremists. In early June 2001, the Human Rights Commission of Pakistan called on the Government to end the harassment of HRCP employees by lower level functionaries. The HRCP also accused government officials of launching tax investigations against HCRP employees who had been critical of government policies.

The Musharraf government made some attempts to ease some of the previous government's restrictions on NGOs. President Musharraf appointed several persons with prominent NGO backgrounds to his Cabinet, and many NGO workers reported a smooth working relationship with the Government during the year. The new government in Punjab under President Musharraf also lifted the previous ban on NGO registration.

International observers were permitted to visit the country and travel freely. Several international organizations, focused on refugee relief, maintained permanent offices in the country, although some reported difficulty in securing visas for their foreign staff. Also, during the October elections, international observers were present at various numbers of polling stations; however, some reported obstruction of their mission by the Government.

The Ministry of Human Rights, a department within the Ministry of Law, Justice, Human Rights, and Parliamentary Affairs, finalized and began limited implementation of a reform program for jails. During the year, it increased its capacity to collect and catalog reports of human rights abuses. However, the department is not viewed as effective by human rights observers. The Government has failed to take follow-up action on the 1997 report of the Commission of Inquiry for Women.

The Government made some limited progress towards achieving the other human rights goals, after an April 2000 conference on human rights. In late April 2001 former President Tarar issued an amendment ordinance to the citizenship law to enable women married to foreigners to claim citizenship for their children (*see* Section 5). The Government inaugurated a National Commission on the Status of Women in September 2000.

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

The Constitution provided for equality before the law for all citizens and broadly prohibited discrimination based on race, religion, caste, residence, or place of birth; however, in practice there was significant discrimination based on these factors.

Women.—Domestic violence was a widespread and serious problem. Human rights groups estimated that a large number of women were victims of domestic violence at the hands of their husbands, in-laws, or other relatives. According to the HRCP one out of every two women was the victim of mental or physical violence. The Parliamentary Commission of Inquiry for Women reported in 2001 that violence against women "has been described as the most pervasive violation of human rights" in the country, and it called for legislation clearly stating that domestic violence against women is a criminal offense. Husbands were known to kill their wives even for trivial offenses, and often newly married women were abused and harassed by their in-laws. While abusers may be charged with assault, cases rarely were filed. Police usually returned battered women to their abusive family members. Women were reluctant to file charges because of societal mores that stigmatize divorce and make women economically and psychologically dependent on their relatives. Relatives also were reluctant to report abuse to protect the reputation of the family. There are no specific laws pertaining to domestic violence, except for the Qisas and Diyat ordinances, which rarely were invoked and may privatize the crime. However, Qisas and Diyat cannot be invoked where the victim was a direct lineal descendant of the perpetrator. Police and judges tended to see domestic violence as a family problem, and were reluctant to take action in such cases. Thus it was difficult for women to obtain relief from the justice system in cases of domestic violence.

During the year, the press reported on hundreds of incidents of violence against women and drew attention to the killings of married women by relatives over dowry or other family-related disputes. Most of the victims were burned to death, allegedly in kitchen stove accidents; some women reportedly were burned with acid. During 2001, 471 dowry deaths were reported, but according to one NGO, only 60 to 70 percent of such cases are reported. During the year, 317 burn cases were reported to the Progressive Women's Association (PWA). Human rights monitors asserted that many cases were not reported by hospitals and that, even when they were, the police were reluctant to investigate or file charges. Furthermore, human rights monitors agree that most "stove deaths" in fact are killings based upon a suspicion of illicit sexual relationship or upon dowry demands. Increased media coverage of cases of wife burnings, spousal abuse, spousal killing, and rape has helped to raise awareness about violence against women.

By year's end, The Crisis Center for Women in Distress helped 89 women through legal and medical referrals, counseling from trained psychologists, and a hotline for women in distress. A second crisis center in Vehari, in southern Punjab, opened in 1998.

Rape was a pervasive problem. In 2001 the HRCP estimated that at least eight women, five of them minors, were raped every day, and more than two-thirds of those were gang-raped. The law provides for the death penalty for persons convicted of gang rape. No executions have been carried out under this law and conviction rates remain low. It is estimated that less than one-third of all rapes are reported to the police. Police rarely respond to and sometimes are implicated in these attacks (*see* Section 1.c.). On June 22, a woman in Meerwala, Punjab was gang-raped on the orders of a council of tribal elders (*see* Section 1.d.).

According to HRCP, in most rape cases the victims are pressured to drop charges because of the threat of Hudood adultery or fornication charges against them if they cannot prove the absence of consent. All consensual extramarital sexual relations are considered violations of the Hudood Ordinances, and carry Hadd (Koranic) or Tazir (secular) punishments (*see* Section 1.e.). Accordingly, if a woman cannot prove the absence of consent, there was a risk that she may be charged with a violation of the Hudood ordinances for fornication or adultery. The Hadd—or maximum punishment for this offense—was public flogging or stoning; however, for Hadd punishments to apply, especially stringent rules of evidence were followed. Hadd punishments were mandatory if evidentiary requirements were met; for sexual offenses, four adult male Muslims must witness the act or the alleged perpetrator must confess. For non-Muslims or in cases where all of the 4 male witnesses were not Muslim, the punishment was less severe. The testimony of four female witnesses, or that of the victim alone, was insufficient to impose Hadd punishments; therefore, even if a man rapes a woman in the presence of several women, he cannot be subjected to the Hadd punishment. If Hadd punishment requirements were not met, the accused may be sentenced to a lesser class of penalties (Tazir); in practice most rape cases were tried at this level. Under Tazir a rapist may be sentenced to up to 25 years in prison and 30 lashes. No Hadd punishment has been applied in the more than 20 years that the Hudood ordinances have been in force. For Tazir punishments, there was no distinction between Muslim and non-Muslim offenders.

According to an HRCP lawyer, the Musharraf government has brought fewer charges against women under the Hudood Ordinance than were brought in the past, and the courts have shown greater leniency toward women in their sentences and in the granting of bail. According to AI, men accused of rape sometimes were acquitted and released, while their victims were held on adultery charges.

According to a 2001 HRW report, women face difficulty at every level of the judicial system in bringing rape cases to trial. Police are reluctant to take the complaint and sometimes are abusive toward the victim; the courts do not have consistent standards of proof as to what constitutes rape and what corroboration is required; and judges, police, and prosecutors are biased against female rape victims, tending towards a presumption of female consent and the belief that women lie about such things. Judges on the whole reportedly were reluctant to convict; however, if there was some evidence, judges have been known to convict the accused of the lesser offense of adultery or fornication (consensual sex). In 2001 HRW also reported that women face problems in the collection of evidence; that the doctors tasked to examine rape victims often believe that the victims are lying; that the doctors were trained insufficiently and have inadequate facilities for the collection of forensic evidence pertaining to rape; that they do not testify very effectively in court; and that they tend to focus on the virginity status of the victim, and, due either to an inadequate understanding of the need for prompt medical evaluations or to inadequate resources, often delay the medical examinations for many days or even weeks, making any evidence that they collect of dubious utility. Medical examiners and police personnel sometimes are abusive physically or verbally during these exams, especially in cases where a woman is charged with adultery or fornication (for which an exam may be requested) and does not wish to be examined (such women, despite the fact that by law they should not be examined without their consent, have been examined, and even have been beaten for their refusal to be examined). Police and doctors often do not know that a woman must consent to this type of exam before it can be performed, and judges may not inform women of their right to decline. If they report rape to the police, women's cases often are delayed or mishandled, and women frequently were harassed by police or the alleged perpetrators to drop the case. Police sometimes accept bribes from the accused rapist to get the victim to drop a case; however, in other cases, police will request bribes from the victim to pursue the case against the accused rapist. Police tend to investigate the cases poorly, and may not inform women of the need for a medical exam or may stall or block women's attempts to obtain one.

The Parliamentary Commission of Inquiry for Women in 2001 criticized Hudood Ordinances relating to extramarital sex and recommended that they be repealed, asserting that they are based on an erroneous interpretation of Shari'a. The Commission charged that the laws on adultery and rape have been subject to widespread misuse, with 95 percent of the women accused of adultery being found innocent either in the court of first instance or on appeal. However, the Commission pointed out that, by that time, the woman may have spent months in jail, suffered sexual abuse at the hands of the police, and seen her reputation destroyed. According to one human rights monitor, 80 percent of adultery-related Hudood cases were filed without supporting evidence. The Commission found that the main victims of the Hudood Ordinances are poor women who were unable to defend themselves against

slanderous charges. These ordinances also have been used by husbands and other male family members to punish their wives and female relatives for reasons having nothing to do with sexual propriety, according to the Commission. One NGO run by a prominent human rights activist reported that 262 women were on trial for adultery in Lahore as of May 2001. An additional 33 were awaiting trial and 26 had been convicted under the Hudood Ordinances in 2001, the most recent statistics available.

Marital rape is not a crime. The Hudood Ordinances abolished punishment for raping one's wife. However, the Commission of Inquiry for women has recommended reinstating penalties for marital rape. Marriage registration (nikah) sometimes occurs years before a marriage is consummated (rukh sati). The nikah (unconsummated) marriage is regarded as a formal marital relationship, and thus a woman or girl cannot be raped by a man to whom her marriage is registered, even if the marriage has not yet been entered into formally.

There were numerous reports of women killed or mutilated by male relatives who suspected them of adultery. Few such cases were investigated seriously and those who are arrested often were acquitted on the grounds that they were "provoked," or for a lack of witnesses. While the tradition of killing those suspected of illicit sexual relations, in order to restore tribal or family honor women are far more likely to be killed than men. The HRCP estimated in 2001 that as many as 204 women were killed by their husbands or family, mostly as a result of honor killings, known as "karo/kari" (or adulterer/adulteress) in Sindh. Around 278 honor killings took place in Punjab according to the HCRP. More than 800 women were killed by family members in honor killings during 2001. The problem was believed to be even more extensive in rural Sindh and Baluchistan, where "karo/kari" killings were common. Tribal custom among the Baluch and the Pathans sanctions such killings. The Commission of Inquiry for Women has rejected the concept of "honor" as a mitigating circumstance in a murder case and recommended that such killings be treated as simple murder. Women who were the victims of rape may become the victims of their families' vengeance against the victims' "defilement." The Government failed to take action in honor killing cases, particularly when influential families were involved. In April 2001 Mehvish Miankhel was killed by her uncle and the Government did not arrest her attacker.

Female genital mutilation (FGM) is practiced by the Bohra Muslims. There are an estimated 100,000 Bohra Muslims in the country; the Bohra observe a form of Shi'a Islam that was practiced in medieval Cairo. There were no available statistics on the extent to which the Bohra practice FGM; however, the practice of FGM in the Bohra community reportedly has declined in the last few years.

Sexual harassment is a widespread problem in the country but there is no separate law to prosecute offenders. There is one article in the Pakistan Penal Code that deals with harassment.

Significant barriers to the advancement of women begin at birth. In general female children are less valued and cared for than are male children. According to a U.N. study, girls receive less nourishment, health care, and education than do boys. In June, the New York Times reported that the country has only 94 females for every 100 males, when the international average is 104 females for every 100 males.

Human rights monitors and women's groups believe that a narrow interpretation of Shari'a has had a harmful effect on the rights of women and minorities, as it reinforces popular attitudes and perceptions and contributes to an atmosphere in which discriminatory treatment of women and non-Muslims is accepted more readily.

The value of women's testimony is not equal to that of a man's in certain court cases tried under the Hudood Ordinances or before a federal Shariat Court (*see* Section 1.e.).

In inheritance cases women generally do not receive—or are pressed to surrender—the share of the inheritance they legally are due.

Civil marriages do not exist; marriages were performed and registered according to one's religion. Upon conversion to Islam, the marriages of Jewish or Christian men remain legal; however, upon conversion to Islam, the marriages of Jewish or Christian women, or of other non-Muslims, that were performed under the rites of the previous religion are considered dissolved (*see* Section 2.c.). Children born to Jewish or Christian women who convert to Islam after marriage were considered illegitimate only if their husbands do not also convert, and if women in such cases do not separate from their husbands.

Both civil and religious laws theoretically protect women's rights in cases of divorce, but many women are unaware of their rights, and often the laws were not observed. One NGO reported that legal literacy is constrained by the lack of laws

printed in local languages. Judicial reforms begun in April with foreign funding included plans to publish laws in Urdu, which is understood by the majority of citizens; some laws had been published in Urdu as of year's end. The Parliamentary Commission of Inquiry for Women recommended that marriage registration (nikahnama) be obligatory and that women, as well as men, have the right to initiate divorce proceedings. It also called for the punishment of those who coerce women or girls into forced marriages. A husband legally is bound to maintain his wife until 3 months after the divorce. A father is bound to maintain his children until they reach the age of 14 for males, or 16 for females. However, the legal process is so complicated and lengthy that it can take years for the children to get maintenance.

Discrimination against women particularly is acute in rural areas. In some areas of rural Sindh and Baluchistan, female literacy rates were 2 percent or less. A survey of rural females by the National Institute of Psychology found that 42 percent of parents cited "no financial benefit" as the reason they kept their daughters from attending school and sent their sons instead. Similarly a study by the NWFP directorate of primary education concluded that most girls in rural areas do not go to school because they have to look after the household while their mothers help in the fields. In Karachi only 28 percent of girls completing matriculation (10th grade) exams in science during the year would be able to find places in government-run colleges, as opposed to 83 percent of boys passing the same tests. In Baluchistan conditions were much worse, with only 2 percent of the province's women having received any formal education. Education activists noted that many parents would like to educate their daughters; however, many parents reportedly chose not to send their daughters to school due to the poor quality of instruction and the lack of facilities.

In rural areas, the practice of a woman "marrying the Koran" still was accepted widely if the family cannot arrange a suitable marriage or wants to keep the family wealth intact. A woman "married to the Koran" is forbidden to have any contact with males more than 14 years of age, including her immediate family members. Press reports indicate that the practice of buying and selling brides still occurs in parts of the NWFP and the Punjab.

A special three-member bench of the Lahore High Court upheld in 1997 the federal Shariat Court's ruling that a Muslim woman can marry without the consent of her wali (guardian—usually her father). However, in practice social custom dictates that couples are to marry at the direction of family elders. When this custom was violated, especially across ethnic lines, violence against the couple may result, and the authorities generally failed to prosecute such cases vigorously.

Although a small number of women study and teach in universities, postgraduate employment opportunities for women largely remain limited to teaching, medical services, and the law. Nevertheless an increasing number of women are entering the commercial and public sectors.

Women's organizations operate primarily in urban centers. Many concentrate on educating women about existing legal rights. Other groups concentrate on providing legal aid to poor women in prison who may not be able to afford an attorney.

In 2001 an amendment ordinance to the citizenship law was issued which enabled women married to foreigners to claim citizenship for their children.

Children.—The Government, through its laws and programs, does not demonstrate a strong commitment to children's rights and welfare. There is no federal law on compulsory education, and neither the federal nor provincial governments provide sufficient resources to assure universal education. The education system is in disarray, with studies showing that only 65 to 70 percent of children under the age of 12 are enrolled in school, less than half of whom actually complete primary school. A reported 10,000 schools have closed in recent years due to a lack of teachers. Even those children who go to school are not assured of being able to read and write. According to UNICEF figures in 2001, a nationwide sample of children in grade five revealed that only 33 percent could read with comprehension, while a mere 17 percent were able to write a simple letter. Development experts point to a number of factors for the poor state of public education, including the low percentage of gross national product devoted to education and inefficient and corrupt federal and provincial bureaucracies. Those fortunate enough to pursue higher education often face inordinate delays in receiving the results of final exams.

Information about progress in educating girls was contradictory. A survey in 2001 found that the enrollment rate for girls under age 12 was 65 percent, which was less than that of boys (75 percent), but considerably higher than the 1990 figure of 50 percent. Since official government figures count at most 1.5 million school-age children in public and private schools and madrassahs in Karachi (of an estimated 4 million or more between the ages of 5 and 14), enrollment figures of 65 and 75

percent are difficult to substantiate. The female literacy rate has doubled during the past two decades, although, at roughly 27 percent, it was just more than half that of males.

Education was a provincial responsibility. In previous years, comprehensive surveys were performed to identify school buildings that were being misused as well as the large numbers of teachers and administrators who were not performing their duties or even showing up for work. Administrative action against these "ghost schools" began, and the Government was better placed to ensure that its education budget was not misused. The Punjab government also worked closely with both international and local NGOs to improve primary and secondary education. However, no legal action was taken against those found responsible for the misuse of government property. In August 2001, a former provincial official reported that a survey revealed that half of the third grade teachers at one school in Punjab did not know their multiplication tables. Nevertheless, the official claimed the Punjab government refused to dismiss unqualified teachers.

In June the Government announced a new ordinance regulating madrassahs under a voluntary registration program that included the setting up of model schools, the setting of teacher training standards, and the standardization of the curricula in participating schools to include general education subjects. A board was to be set up to enforce the regulations, oversee participating schools, and control all internal and external funding for participating schools. Religious clerics objected to any government regulation of the madrassahs and as a result, the Government withdrew most of the requirements and ceased to pursue madrassah reform.

According to press reports, there are several madrassahs where children were confined illegally and kept in unhealthy conditions, and there were reports of the abuse of children studying at madrassahs during the year. Sexual abuse of boys was believed widely to occur at some madrassahs.

Health care services, like education, remained seriously inadequate for the nation's children. Children suffered a high rate of preventable childhood diseases. According to the National Institute of Child Health Care, more than 70 percent of deaths between birth and the age of 5 years were caused by easily preventable ailments such as diarrhea and malnutrition. Public health administration suffers from poor management, lack of accountability, unreliable or falsified statistics, and lack of cooperation among agencies. In 2001 30 million children under the age of 5 were targeted for polio vaccinations. According to the Extended Program for Immunizations, 27 million children were successfully vaccinated. Only 116 cases of polio were reported in 2001. The International Labor Organization (ILO) reported that 8 percent of children suffer from iron deficiency and 30 to 40 percent of children in the country suffer from stunted growth. According to a family-planning NGO, up to 50 percent of children were born iodine-deficient, resulting in high rates of mental retardation.

Children sometimes were kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (*see* Section 6.d.). In July in Punjab eight girls were forced to marry significantly older men in a rival family, in exchange for commuted death sentences on members of their families. In rural areas, it is a traditional practice for poor parents to give children to rich landlords in exchange for money or land, according to human rights advocates. These children frequently were abused by these landlords and held as bonded laborers for life. Landlords also have been known to pay impoverished parents for the "virginity" of their daughters, whom the landlords then rape. Incidents of rape were common. A UNICEF-sponsored study of Punjab found that 15 percent of girls reported having been abused sexually. Sexual abuse of boys was more common in segments of society where women and girls traditionally remain within the home. According to a local NGO, 459 boys and 615 girls were reported to have been sexually abused during 2001.

The HRCP reported that in the majority of child abuse cases, children were abused by acquaintances. There were credible reports of boys being sexually abused in a jail located in Punjab province in 2000. Child prostitution involving boys and girls widely is known to exist but rarely is discussed (*see* Section 6.f.). All forms of prostitution were illegal, and a person who abducted a child under the age of 10 and committed sexual assault may be sentenced to death. The Shabab-i-Milli, the youth wing of the Jaamat-i-Islami party, launched a campaign in May 2000 to combat child prostitution by raising public awareness of the problem. The Commission of Inquiry for Women has observed that child sexual abuse is a subject that "has been virtually ignored" and called for a public education campaign on the subject, including introducing it into school curriculums and training nurses and doctors in how to handle such cases.

Children's rights theoretically were protected by numerous laws that incorporate elements of the U.N. Convention on the Rights of the Child. In September 2001, the

Government signed the Optional Protocols to the Convention on the Rights of the Child on Involvement of Children in armed conflict and the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography. However, the Government frequently failed to enforce these laws.

In July 2000, the Government passed the Juvenile Justice System Ordinance. The ordinance abolished the death penalty for minors under 18 years of age, mandates that the Government provide children with legal assistance, prohibited children from being tried for crimes with adults, and prohibited the proceedings of juvenile courts from being published.

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

Child labor is a significant problem (*see* Section 6.d.).

There are several NGOs that promote children's labor rights and child protections, operating in Islamabad, and in the provinces.

Persons with Disabilities.—There are no laws requiring equal accessibility to public buildings for persons with disabilities. The vast majority of persons with physical and mental disabilities are cared for by their families. However, in some cases these individuals are forced into begging; organized criminal "beggarmasters" skim off much of the proceeds. Parents reportedly have given children as offerings to Baba Shah Dola, a shrine in Punjab where the children reportedly are deformed intentionally by clamping a metal form on the head that induces microcephalitis. Some human rights organizations asked local authorities to investigate this practice; however, there have been no investigations. There is a legal provision requiring public and private organizations to reserve at least 2 percent of their jobs for qualified persons with disabilities. Organizations that do not wish to hire persons with disabilities instead can give a certain amount of money to the Government treasury, which goes into a fund for persons with disabilities. This obligation rarely was enforced. The National Council for the Rehabilitation of the Disabled provides some job placement and loan facilities.

Mentally ill prisoners normally lack adequate care and were not segregated from the general prison population (*see* Section 1.c.).

Section 6. Worker Rights

a. The Right of Association.—The Industrial Relations Ordinance (IRO) permits industrial workers to form trade unions subject to major restrictions in some employment areas. However, the International Confederation of Free Trade Unions (ICFTU) reported the IRO only covers companies that employ 50 or more persons, and that companies sometimes subdivided their workforces into artificial subsidiaries (while keeping them all on the same premises) to evade the IRO. The Essential Services Maintenance Act (ESMA) covers the state administration, government services, and state enterprises such as oil and gas production, electricity generation and transmission, the state-owned airline, the national railroad, and ports. Workers in these sectors are allowed to form unions. However, the ESMA sharply restricts normal union activities, usually prohibiting, for example, the right to strike in affected organizations. A worker's right to quit also may be curtailed under the ESMA. For each industry subject to the ESMA, the Government must make a finding, renewable every 6 months, on the limits of union activity.

An amendment to the IRO states that: 1) Only employees of the represented industry can hold office in a trade union; and 2) federations formed by trade unions cannot bargain with individual employers; each union has to bargain for itself. The first provision disadvantages smaller unions, which may not have enough officers capable of bargaining. The second provision is an attempt to weaken the power of the federations. This amendment has been challenged by the trade unions and, as a result, has not yet come into force. An amendment to the IRO states that unions which received less than 15 percent of worker's votes were to be dissolved automatically and their registrations canceled. No action has been taken to implement these elements.

The ILO has stated repeatedly that the country's law and practice violate the Government's commitments under ILO Convention 87. The ILO has urged the Government to lift prohibitions against union activity by teachers, radio, television, railway, forestry, hospital, banking, and other government employees, as well as to rescind the existing ban on strikes. The ILO also expressed concern about the practice of artificial promotions that exclude workers from the purview of Convention 111. In response to a government request, the ILO has provided technical assistance to help bring the country's labor laws into conformity with the ILO's conventions. However, no legislative action has been taken.

Unions may belong to federations, and there are eight major federations. The Government permits trade unions across the political spectrum. While many unions remain aloof from politics, some are associated with political parties. Unions associ-

ated with opposition parties are allowed to carry on their activities freely. During the local government elections, unions fielded candidates for labor councilor positions.

The IRO prohibits antiunion discrimination by employers. Under the law, private employers are required to reinstate workers fired for union activities. However, in practice, such redress has not been available to workers, because workers usually do not pursue redress through the courts due to the fact that the legal system was slow, prohibitively expensive, and often corrupt.

Federations were free to affiliate with international federations and confederations. Pakistani trade unions belong to the ICFTU and to secretariats affiliated with the ICFTU.

The United States revoked the Generalized System of Preferences trade benefits in 1996 for certain goods, such as leather sporting goods, surgical instruments, and hand-loomed carpets, due to failure to make progress on various worker rights issues including child labor (*see* Section 6.d.).

b. The Right to Organize and Bargain Collectively.—The right of industrial workers to organize and freely elect representatives to act as collective bargaining agents is established in law. In general legal unions have the right to bargain collectively. However, the many restrictions on forming unions (*see* Section 6.a.) preclude collective bargaining by large sections of the labor force.

There is no provision allowing agricultural workers to unionize as they are not defined as "an industry." Water and power workers may engage in "responsible trade unionism."

According to government estimates, union members make up approximately 10 percent of the industrial labor force and 3 percent of the total estimated work force. Unions claimed that the number of union members was underestimated.

Legally required conciliation proceedings and cooling-off periods constrain the right to strike, as does the Government's authority to ban any strike that may cause "serious hardship to the community" or prejudice the national interest. The Government also may ban a strike that has continued for 30 days. The rare strikes that did occur were generally short and illegal. Police do not hesitate to crack down on worker demonstrations. The law prohibits employers from seeking retribution against leaders of a legal strike and stipulates criminal penalties for offenders. Under the Industrial Relations Ordinance of 2002, courts only may impose fines for violations of this provision; imprisonment no longer is permitted. The level of fines has been increased. The law does not protect leaders of illegal strikes. There were no strikes during the year, and some labor leaders attribute this to the ban on strikes by large unions, such as Pakistan Railways and Pakistan International Airways (PIA). The ICFTU reported in 2001 that the Government also suspended union activities, including canceling collective bargaining agreements and closing union offices, at PIA.

The ESMA also restricts collective bargaining. For each industry subject to the ESMA, the Government must make a finding, renewable every 6 months, on the limits of union activity. In cases in which the Government prohibits collective bargaining, special wage boards decide wage levels.

The special wage boards were established at the provincial level and were composed of representatives from industry, labor, and the provincial labor ministry, which provided the chairman. Despite the presence of labor representatives, unions generally were dissatisfied with the boards' findings. Disputes were adjudicated before the National Industrial Relations Commission. A worker's right to quit also may be curtailed. Dismissed workers have no recourse to the labor courts.

The ESMA exempts export promotion zones (EPZs) from the IRO's granting of workers the right to form trade unions. The workers in EPZs have no protection against employer interference or anti-union discrimination. There was only 1 EPZ, in Karachi, with nearly 6,000 employees, according to government sources.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced or bonded labor, including by children; however, the Government did not enforce these prohibitions effectively. Critics argue that the ESMA's limitation on worker rights, especially the right to quit, constitutes a form of compulsory labor. The ILO objected to this as a violation of Convention 29. The Government responded that the maintenance of essential services is required for the defense and security of the country, and that continued reviews have limited these services to a few core areas such as electricity generation and distribution, and air and sea ports.

The Bonded Labor System (Abolition) Act (BLAA) outlawed bonded labor, canceled all existing bonded debts, and forbade lawsuits for the recovery of existing debts. The act makes bonded labor by children punishable by up to 5 years in prison and up to $900 (PKR 50,000) in fines. However, provincial governments, which are

responsible for enforcing the law, have failed to establish enforcement mechanisms. Strong social ties between employers and public officials at the local level further undercut the law's effectiveness. In addition the law is written in English and frequently is incomprehensible to persons it is intended to protect. Some provincial laws appeared to violate the BLAA.

It is likely that handmade bricks and hand-woven wool carpets were produced with forced or indentured child labor. Illegal bonded labor is widespread. It was common in the brick, glass, and fishing industries and was found among agricultural and construction workers in rural areas. The Government undertook a survey of bonded labor during the year that was to be completed in 2002. Bonded laborers often were drawn from the ranks of the unskilled, low-caste, and often non-Muslim. The Bonded Labor Liberation Front (BLLF), an NGO that advocated for the rights of bonded laborers and provided a safe haven and educational and vocational training for those who have escaped their bondage, reported that it had freed about 1,000 bonded brick kiln workers. Bonded labor, including bonded child labor, reportedly is used in the production of carpets for export under the peshgi system, by which a worker was advanced money and raw materials for a carpet he promises to complete (*see* Section 6.d.). The lack of education among bonded laborers deprived them of the ability to perform the necessary calculations to know when they have paid their debts to bondholders. Bonded laborers who escape often face retaliation from former employers. In March 2000, the Lahore High Court ordered the release of 24 brick kiln workers, including 10 women and children. According to press accounts, the laborers were kept in chains, were not compensated for their work, and were beaten frequently. Press reports indicate that there were similar numbers of bonded labors freed during the year. Others returned to their former status after being freed because they lack the education, money, and mobility to seek a different livelihood. Although the police arrested violators of the law against bonded labor, many such individuals bribed the police to release them. Conservative estimates put the number of bonded workers at several million. The Government disputed that peshgi workers were "bonded" or "forced" laborers and argued that they were "contract laborers" who negotiate a salary advance in a free and open market.

Human rights groups report that as many as 50 private jails housing some 4,500 bonded laborers were maintained by landlords in rural Sindh.

The Constitution and the law prohibited slavery. However, in remote areas of rural Sindh, bonded agricultural labor and debt slavery have a long history. Landlords have kept entire families in private prisons and sold families to other landlords.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government has adopted laws and promulgated policies to protect children from exploitation in the workplace; however, enforcement of child labor laws was lax and child labor was a serious problem. The Constitution prohibits the employment of children under age 14 years in factories, mines, and other hazardous occupations. The Employment of Children Act prohibits the employment of children under age 14 in certain occupations and regulates their conditions of work. Under this law, no child is allowed to work overtime or at night. Penalties for the violation of the act include fines of up to $300 (PKR 20,000) or 1 year in prison. As of year's end, no one had ever received the maximum penalty. Child labor was common and resulted from a combination of severe poverty, employer greed, and inadequate enforcement of laws intended to control it. The Government issued a national policy to combat child labor and by year's end, the Ministry of Labor and Ministry of Social Welfare received $172,400 (PKR 100 million) to fund the national child labor action plan. A board was been formed to launch projects to combat child labor, and provincial governments were asked to submit proposals during the year. In addition, every province has been asked to appoint an official responsible for child labor programs and initiatives, and a proposal has been submitted to Ministry of Labor to begin informal education centers for child workers.

Only the Government and exporters regard the ILO 1996 survey as an accurate measurement of the incidence of child labor. Many observers believed that it understated the problem, and gave higher estimates of as many as 20 million child laborers. A recent ILO survey indicated that agriculture was the largest child labor industry; followed by the informal sector, which included domestic work, street vending, illegal work, and family businesses; hazardous work, such as the leather, surgical instruments, and brick kiln industries ranked third. The report also noted that when programs were developed to eliminate child labor in one industry, parents often shift their children to work in other industries.

During a press conference in February 2000, the president of the Punjab Laborers Front stated that 100,000 children between the ages of 5 and 12 years were working in more than 4,500 brick kilns in Punjab. The ILO, the Ministry of Labor, and the

Federal Bureau of Statistics were scheduled to conduct a new survey during the year in more than 30,000 households; this survey is to include the agricultural sector and rural areas where the worst forms of child labor often occur. The survey was expected to be completed in 2002; however, at year's end, the survey had not been completed.

Child labor, mostly female, was common in the carpet industry, much it family-run. Carpet manufacturers, along with the ILO-IPEC, have established a program to eliminate child labor from the industry through monitoring and rehabilitation, which continued throughout the year. In 2001, 285 informal education centers had been set up. Of the 9,519 children enrolled in the centers in 2001, 8,114 were active in the carpet industry and 1,405 were working siblings. In 2001, 30 new rehabilitation centers, capable of serving 950 children, were added to the existing 153 rehabilitation centers. The ILO runs a program that aimed to decrease child labor in the carpet industry by promoting educational opportunities for children. Its efforts have been extremely successful, and as a result, the demand for enrollment in public schools far exceeds the capacity of existing schools.

Although surgical instrument manufacturers have acted to remove child laborers from their factories, child labor still occurs at rudimentary offsite filing and polishing centers run by subcontractors for low-end items. Almost all children working in the surgical instrument industry are male. According to the ILO and the Punjab Welfare Department in 2001, children constitute about 15 percent of the work force in the surgical instrument industry in Sialkot; 3,200 of these children are estimated to be under age 14. According to a June 1999 report issued by Public Services International, the average age of children in the surgical instrument industry was 12. Children in the surgical instrument industry were prone to injuries from machinery and burns from hot metal, as well as respiratory illnesses from inhaling poisonous metal dust. The successful efforts to eliminate child labor in other industries have not been matched in the surgical instrument industry.

Child labor was not regarded as a particular problem in the textile and apparel industries, but no specific studies of this sector have been performed.

In response to international criticism, the Government began to push provincial authorities to enforce child labor laws. However, enforcement of these laws remained a problem. There were few child labor inspectors in most districts, and the inspectors often had little training and insufficient resources. They reportedly also were corrupt. By law inspectors also may not inspect facilities that employ less than 10 persons; most child labor occurs in such facilities. Hundreds of convictions were obtained each year for violations of child labor laws, but low fines levied by the courts—ranging from an average of $6 (PKR 364) in the NWFP to an average of $110 (PKR 7,280) in Baluchistan—were not a significant deterrent. The Employment of Children Act allows for fines of up to $275 (PKR 18,200). Penalties often were not imposed on those found to be violating child labor laws.

Soccer ball manufacturers, importers, the ILO, and UNICEF have implemented a plan to eliminate child labor from the soccer ball industry. This project, based in Sialkot, monitors the production of soccer balls at established stitching centers, and set up as many as 185 rehabilitation centers to educate former child laborers and their younger siblings. At the end of 2000, there were 153 rehabilitation centers, and an additional 70 centers were planned for the next 2 years. The ILO child labor program has entered the phase out and assessment stage with a total 74 centers. This year they will begin closing them and assessing their impact on child labor. In addition, the project sought to identify unemployed adults, especially women, from the families of former child stitchers to take up stitching work and replace lost income. Women initially were reluctant to move from their homes to stitching centers.

Under a memorandum of understanding with the Government, the ILO/IPEC program in the country is involved with other child labor projects, beginning in 2001 and continuing at year's end. Projects in Sialkot include one in the surgical instruments industry and one in the nonformal (nonexporting) sectors. The ILO works with the Government, employers, workers, and NGOs to pursue the Government's policy and plan of action for child labor. The Government established 30 rehabilitation centers (50 are planned) for former child laborers through the Pakistan Bait-ul-Mal, the Government's social welfare fund. Each center educates 120 children. The ILO created a similar program in conjunction with the European Union, specifically targeting child bonded laborers, and during the year the Government took charge of 18 centers begun by the European Union. In 1998 the ILO and the Swiss Agency for Development and Cooperation (SDC) launched a large project to combat child labor and child abuse in the NWFP. This program, which targets children in the automobile repair sector, aims to provide children with vocational training and informal education. During the year, this project was extended through 2005. It has

targeted assistance to 720 children; so far, it has provided informal education to 160 children and pre vocational training to 393 others.

The Child Care Foundation of Pakistan, a national NGO, was established in 1996 with support from the Ministry of Commerce. Other NGOs, such as the Pakistan Bait-ul-Mal, conduct programs to end child labor. Bait-ul-Mal, with funding from the Government and international organizations, operates 33 education centers for children known collectively as the National Center for the Rehabilitation of Child Labor. Parents of working children are offered compensation of $5 (PKR 300) per month, plus a small daily stipend of approximately $0.08 (PKR 5) in exchange for sending their children to school. Children in the centers receive free schooling, uniforms, books, and meals. However, many children apparently did not remain there for more than a year; the schools often were in areas far from their clients. The Bunyad Literacy Community Council and Sudhaar also run schools focusing on children who work in the soccer ball and carpet industries; their programs aim to transition children out of working and into mainstream schooling. Other local NGOs, such as the Society for the Protection of the Rights of the Child, are working to eliminate child labor.

In August 2001, the Government ratified ILO Convention 182 on the worst forms of child labor.

The law prohibits forced and bonded child labor; however, forced child labor was a problem. There were reports that children in juvenile detention facilities were required to work. Children at the Karachi Central Jail, who were imprisoned for crimes they committed, were detained with their parents, or were born in jail, reportedly were involved in woodcrafts and television repairs. Verifying these reports was difficult because of limited outside access to the jail.

Children sometimes were kidnaped to be used for forced labor (*see* Section 5). Seventy percent of working children have the status of "unpaid family helpers." Observers also believed that the incidence of bonded labor among such children was significant, but there were no reliable figures available on this.

e. Acceptable Conditions of Work.—Federal statutes applicable throughout the country govern labor regulations. The minimum wage for unskilled workers is $42 (PKR 2,500) per month, with only slightly higher minimum rates for skilled workers. It applies only to industrial and commercial establishments employing 50 or more workers and not to agricultural or other workers in the informal sectors. The national minimum wage usually does not provide a decent standard of living for a worker and family.

Federal law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. These regulations did not apply to agricultural workers, workers in factories with fewer than 10 employees, and contractors. Large numbers of workers do not enjoy these benefits. Many workers were unaware of their rights.

Additional benefits required by the Federal Labor Code include official government holidays, overtime pay, annual and sick leave, health and safety standards in the workplace, health care, education for workers' children, social security, old age benefits, and a worker's welfare fund. Employees earning more than $47 (PKR 3,120) per month do not receive all of these benefits.

The provinces have been ineffective in enforcing labor regulations because of limited resources, corruption, and inadequate regulatory structures. In general health and safety standards are poor. Although organized labor presses for improvements, the Government has done little and its efforts to enforce existing legal protection are weak. There is a serious lack of adherence to mine safety and health protocols. For example, mines often only have one opening for entry, egress, and ventilation. Workers cannot remove themselves from dangerous working conditions without risking loss of employment.

In April 2001, the Government announced a labor reforms package. The package includes the introduction of voluntary group insurance, expansion of existing low-cost housing projects, an increase in monetary compensation for death or disability, and an increase in old age pensions. Government officials stated that progress in implementing the reform package was made by year's end. Labor leaders continued to criticize the reform package as too limited in scope.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons, especially in women, is a serious problem. The law prohibits the trafficking of women under age 21 into the country for sexual purposes or kidnaping. The Constitution prohibits slavery and forced labor. The Government has done little to stem the flow of women trafficked into the country or to help victims of trafficking. For example, despite the estimated thousands of women involved, only 88 cases were registered in Sindh between 1990 and 1999. Of the 260 men and

110 women arrested, 87 were charged and only 7 were sentenced. The Government does not provide direct assistance to victims but does provide legal assistance and funding for NGOs that assist victims.

Pakistan is a source, transit, and destination country for trafficking in women and children for sexual exploitation, but more significantly, for use as bonded labor. Thousands of women are trafficked into the country every year, mainly from Bangladesh. Smaller numbers of Burmese, Sri Lankan, Indian, Afghan, and Central Asian women also are trafficked into the country and some Pakistani women are trafficked overseas, mainly to Afghanistan or Saudi Arabia to work as prostitutes or domestic workers. East Asian and Bangladeshi women are trafficked through the country en route to other destinations. Internal trafficking of Pakistani women and Afghani refugees from rural areas to urban centers is a problem. Trafficking in women has occurred for decades; there likely are several hundred thousand trafficked women in the country. Press reports indicate that the buying and selling of brides persists in parts of the NWFP and Punjab.

Foreign trafficking victims usually were deceived with false prospects of marriage or offers of legitimate jobs in the country. Traffickers also used force, abduction, threats, and coercion to entice and control trafficking victims. Traffickers generally were affiliated with powerful criminal interests. There have been some reports of lower level official complicity and corruption with regard to trafficking. The border police, immigration officers, customs officials, police, and other officials (including members of the judiciary), reportedly sometimes facilitated trafficking in return for bribes.

Trafficking victims do not have legal residency and, if found by the authorities, are detained, arrested, and prosecuted for violation of immigration laws or of the Hudood ordinances. The Hudood ordinances criminalize extramarital sexual relations and place a burden on female rape victims because testimony of female victims and witnesses carry no legal weight. If a woman brings charges of rape to court and the case cannot be proved, the court automatically takes the rape victim's allegations as a confession of her own complicity and acknowledgment of consensual adultery (*see* Section 5). These laws discourage trafficking victims from bringing forward charges. Without money to pay for bail, trafficking victims often were bailed out by their pimps, who require them to return to prostitution. Small numbers of escaped victims of trafficking end up in shelters run by NGOs that assist trafficking victims, but most did not because there were few such shelters available. Many women who were not bailed out were not repatriated. Since most Bangladeshi women arrive without documentation, the Bangladesh High Commission will not take responsibility for them, and they remain confined to women's shelters. Some have been repatriated at the expense of individuals who discover them and pay for their return home. The Commission of Inquiry for Women drew attention to the problem of "enforced prostitution and trafficking in women," noting that women are the victims of exploitation by police and pimps, and should be treated with compassion. One NGO, Lawyers for Human Rights and Legal Aid (LHRLA), has reported extensively on trafficking and has provided documentation of the problem; several other NGOs occasionally work on the issue. Lawyers for Human Rights and Legal Aid and the Society for Human Rights and Prisoner's Aid run specific programs to assist trafficking victims, and a few other local NGOs also assist trafficking victims on a smaller scale.

Physical beauty and educational level were major factors in determining prices. Some women reportedly were sold into slavery and sent to Persian Gulf countries; women sent to rural Pakistan reportedly were de facto slaves. Buyers in such shops reportedly purchased women for purposes of labor or sex; some married their buyers.

Young boys were trafficked to the Persian Gulf to work as camel jockeys; reports estimated that there were between several hundred and a few thousand boys between the ages of 3 and 10 working as camel jockeys, mostly in the United Arab Emirates (UAE). Most are from Punjab or Sindh. There are approximately 1,000 such children in Qatar, and there are reports of such children in Saudi Arabia. Dera Ghazi Khan in Punjab is a center for trafficking in children, and is a major source of children trafficked as camel jockeys. The majority of these boys were sent to the Gulf countries by their parents, landless agricultural workers who receive either a monthly sum of money or a lump sum for their child's labor. Parents occasionally also accompany their children to the Persian Gulf. However, some of these children were abducted by traffickers in the country and were sent abroad without the knowledge of their parents. The boys generally were sent to the Gulf countries under the passports of women posing as their mothers. The conditions such children live under often were poor, and many children reportedly are injured or maimed while racing camels. The children reportedly do not receive proper medical care or

schooling, and deliberately are underfed to keep them as light as possible. When they become too old to race, they are sent back to the country and left to fend for themselves. In February 2000, the district administration in Multan approached the Pakistan Ambassador to the UAE for the return of two children reportedly sold to a UAE citizen for approximately $400 (PKR 20,000) each, and the federal investigation agency filed charges against four residents of Multan who were involved in the deal. As of year's end, there was no report on the return of the boys. The Government recently broke two trafficking rings of children smuggled into Iran, and was attempting to extradite eight adults wanted for trafficking. Within the country, children sometimes are kidnaped to be used as forced labor, for ransom, or to seek revenge against an enemy (*see* Section 6.d.).

The Government assists underage children and has rescued some kidnaped victims. On March 15, police in Karachi announced they had rescued 11 infants and arrested 8 persons on suspicion of trafficking.

The Government sponsors shelters and training programs for actual and potential trafficking victims. There were 276 detention centers where women were sheltered and given access to medical treatment, limited legal representation, and some vocational training. The Government provided temporary residence status to foreign trafficking victims; however, police often treated victims of trafficking as criminals. The Government does not provide specialized training to assist trafficking victims. Very few NGOs deal specifically with trafficking; however, many local and provincial NGOs provide shelter to victims of trafficking and women and children at risk for trafficking.

SRI LANKA

Sri Lanka is a democratic republic with an active multiparty system. Constitutional power is shared between the popularly elected President and the 225-member Parliament. Since 1983, the Government had fought the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization fighting for a separate ethnic Tamil state in the north and east of the country; however, in December 2001, the Government and the LTTE each announced unilateral cease fires. This historic process of reconciliation between the Government and the LTTE continued during the year in Norwegian-facilitated talks in Thailand and Norway. By all accounts, the talks were successful and both sides agreed to hold further meetings in 2003. As a result of the peace process, there has been a sharp reduction in roadblocks and checkpoints around the country, the return of approximately 220,000 internally displaced persons (IDPs) to their points of origin in the north and east, and to the opening of numerous investigations into questionable actions by security force personnel.

Violence, including at least 50 deaths, and irregularities marred the December 2001 parliamentary elections in which the United National Front (UNF), a coalition of parties led by the United National Party (UNP), won a majority in Parliament for a 6-year term. Fearing possible infiltration by the LTTE, the Government prohibited more than 40,000 Tamil voters from crossing army checkpoints from LTTE controlled territories to vote. Chandrika Kumaratunga, head of the People's Alliance (PA) coalition, won reelection in 1999 for a second 5-year presidential term. The Government generally respected constitutional provisions for an independent judiciary.

The Ministry of Interior controls the 60,000-member police force, which is responsible for internal security in most areas of the country, and has been used in military operations against the LTTE. The Ministry of Defense controls the 120,000-member Army (which includes the Army Volunteer Force), the 17,000-member Navy, and the 18,500 member Air Force. In the past, the police paramilitary Special Task Force (STF) battled the LTTE. The more than 20,000 member Home Guards, an armed force drawn from local communities and responsible to the police, provide security for Muslim and Sinhalese village communities near LTTE-controlled areas. In previous years, the Government also armed and appeared to direct various anti-LTTE Tamil militias; however, during the year, the Government implemented programs to disarm the militias that previously had been linked with the security forces. Some members of the security forces committed serious human right abuses.

Sri Lanka is a low-income country with a market economy based mainly on the export of textiles, tea, rubber, coconuts, and gems. It also earns substantial foreign exchange from the repatriated earnings of citizens employed abroad, and from tourism. The population is approximately 18.5 million. Real GDP growth was -1.4 percent in 2001. Growth during the year was forecast at 2–3 percent. The decline in 2001 was attributed mainly to the worldwide economic downturn, the July 2001 LTTE attack on Colombo's international airport, and prolonged power outages

throughout the country. The economy recovered slowly during the year, aided by economic reform and increased donor assistance.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Unlike previous years, there were disputed reports of security forces committing extrajudicial killings and no reports of disappearances. However, the military and police reportedly tortured detainees. There was at least one report of a death in custody. Security forces have raped a woman while they were in custody. Torture remained a problem and prison conditions remained poor. There were no reports of arbitrary arrest during the year. During the year, the Government released more than 750 Tamils held under the Prevention of Terrorism Act (PTA) and no new arrests under the PTA occurred during the year. Observers claim that the PTA, like the Emergency Regulations (ER) repealed in 2001, permitted arbitrary arrests of Tamils. Unlike in previous years, there were no reports of the security forces failing to comply with legal protections, including impunity for those responsible for human rights violations.

The Government infringed on citizens' privacy rights; however, restrictions on the freedom of the press were eased somewhat. Unlike in previous years, there were no reports that security forces harassed journalists. The LTTE permitted controlled access to uncleared areas of the country to journalists, in effect lifting some censorship in the areas it controls. Some LTTE-imposed restrictions remained on freedom of movement, such as from Vavuniya to Jaffna. Violence and discrimination against women, child prostitution, child labor, and discrimination against persons with disabilities continued to be problems. There is some discrimination and occasional violence against religious minorities, and institutionalized ethnic discrimination against Tamils remains a problem. Trafficking in women and children for the purpose of forced labor occurs, and there is some trafficking of women and children for the commercial sex industry. There is evidence of a continued but declining international interest in the country's children for sex trade. Sri Lanka was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

In the past few years, the Government has taken steps to address human rights concerns. During the year, the Government named a new chairman for the National Human Rights Commission (HRC). In 2000 the Government established an Interministerial Permanent Standing Committee and an Interministerial Working Group on Human Rights Issues, chaired by senior officials, to investigate human rights abuses. At the same time, the Government established the Prosecution of Torture Perpetrators Unit, under the direct supervision of the Attorney General.

Unlike in previous years, former Tamil terrorist organizations aligned with the former PA government, who were suspected still to be armed, were not implicated in cases involving extrajudicial killing and torture, although incidents of detention and extortion still were reported during the year.

The LTTE continued to commit serious human rights abuses. The LTTE reportedly committed several unlawful killings, and was responsible for disappearances, torture, arbitrary arrest, detentions, and extortion. Through a campaign of intimidation, the LTTE continued to undermine the work of elected local government bodies in Jaffna. On occasion the LTTE prevented political and governmental activities from occurring in the north and east. The LTTE continued to control large sections of the north and east of the country. The LTTE denied those under its control the right to change their government, did not provide for fair trials, infringed on privacy rights, somewhat restricted freedom of movement, used child soldiers, and discriminated against ethnic and religious minorities. The LTTE released all of the military personnel it reportedly held in its custody during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Unlike in previous years, there were no credible reports that security forces committed extrajudicial killings. There were no developments in the following 2001 cases: The death in custody of Kanapathypillai Udayakumar in January; the security forces killing of two persons during a rally in July; the air force personnel killing of Sivagnanam Manohari in September.

Impunity remained a problem. Between April 1995 and December 2001, several hundred persons were killed or disappeared after being taken into security force custody. With the exception of the six security force personnel convicted in the 1996 killing of university student Krishanthi Kumaraswamy; there have been no other convictions for extrajudicial killings. At year's end, the Government was investigating 29 cases of rape, 109 cases of torture, and 500 cases of disappearance by

security force personnel. Although there were numerous cases in which military personnel may have committed human rights violations for which they have not been identified and brought to justice, the Government passed indictments against security force personnel in a number of high profile cases; including the Bindunuwewa massacre and the Ranjani rape and murder case.

In 2000 nine Tamil civilians were reported missing in Mirusuvil after being arrested by the army (SLA). One person escaped, and reported the incident to police and the local magistrate. The escapee identified two SLA soldiers as the perpetrators, and the soldiers admitted to torturing nine civilians and murdering eight of them. Nine soldiers later were arrested for the torture and killings. The army commander administratively punished the soldiers by having their salaries withheld (*see* Sections 1.b. and 1.c.). The case was transferred to the Anuradhapura Magistrate's Court for adjudication in November 2001. On November 27, five members of the army were charged with the murders and were standing trial at year's end.

In November 2000, four mutilated bodies were found in Nilaveli. The following day Tamil civilians protested against the deaths claiming that the naval personnel involved attempted to coerce statements from relatives of the deceased that the dead were members of the LTTE. The bodies of the two primary organizers of the demonstration later were found. Following a military investigation, the commander of the local navy base and other key military personnel were transferred in June 2001, but no one has been charged in connection with the killings and no further action was expected in this case.

In October 2000 local villagers killed 27 Tamil men held at the Bindunuwewa rehabilitation camp for former child soldiers and 15 others were injured. Police allegedly took part in the killings and did nothing to prevent the villagers from entering the detention camp. Violence after the killings continued for almost 1 week before police were able to restore order. The HRC stated that the police were guilty of "grave dereliction of duty." Three of the survivors were able to testify at a Presidential Hearing, which met regularly throughout 2001. Many witnesses at the hearing criticized police actions at the scene and during the initial investigations. In 2001 all suspects in the case were released on bail. Due to the failure to show at the scheduled hearing in November, the court has remanded all suspects until completion of the trial. At year's end, 10 police officers and 41 villagers were indicted and were standing trial.

There were no developments in the April 2000 killing of the chief suspect in the 1993 killing of prominent politician Lalith Athulathmudali.

In previous years, some cases of extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believed otherwise. In Thampalakamam, near Trincomalee, in 1998, police and home guards allegedly killed eight Tamil civilians, possibly in reprisal for the LTTE bombing of the Temple of the Tooth a week earlier. The Government arrested police officers and home guards, charging 4 with murder and 17 with unlawful assembly. At year's end, eight police officers had been indicted and hearings continued.

Although the courts in 2000 ordered five soldiers arrested for the 1999 gang rape and murder of Ida Carmelita, a young Tamil girl, the case remained pending at year's end. Court hearings continued during the year.

At his sentencing for the 1998 rape and murder of Krishanthi Kumaraswamy, a Tamil university student, former Lance Corporal Somaratne Rajapakse claimed knowledge of mass graves at Chemmani in Jaffna containing the bodies of up to 400 persons killed by security forces in 1996. The other five defendants corroborated his claim of mass graves in the Chemmani area, where they allegedly had buried between 120 and 140 bodies on the orders of their superiors. Exhumations in 1999 yielded 15 skeletons. Two of the victims were identified as young men who had disappeared in 1996. In 2001, 13 of the bodies had not been identified. Rajapakse and others named a total of 20 security force personnel, including former policemen, as responsible for the killings. The remaining unidentified bodies underwent DNA testing for identification purposes. The Attorney General's office has indicated that it was not satisfied with the inconclusive initial results and reportedly was searching for funds to provide for a more detailed test. At year's end, the case still was pending. All suspects in the case have been released on bail.

There were no developments in the case against eight soldiers and one reserve police constable arrested on suspicion of the massacre of 24 Tamil villagers in Kamarapuram in February 1996. In addition, there were no developments in the trial of 22 Special Task Force (STF) members arrested on suspicion of killing 23 Tamil youths at Bolgoda Lake in 1995.

In 1994 the PA government began prosecutions in several extrajudicial killings allegedly committed by members of the security forces. The trial of 21 soldiers accused of massacring 35 Tamil civilians in 1992 in the village of Mailanthani in Batticaloa district was transferred to the Colombo High Court in 1996. Many witnesses for the case live in displaced persons camps, and could not come to court to give evidence. A jury trial, which began in January, ended on November 25 when the security forces were acquitted. At year's end, representatives of the victims were requesting that the Attorney General appeal the jury's decision.

There were no developments in the January 2000 killing of Tamil politician Kumar Ponnambalam.

Although former terrorist Tamil militant groups armed by and aligned with the former PA government committed extrajudicial killings in the past, there were no credible reports of such killings during the year.

In the past, the military wing of the People's Liberation Organization of Tamil Eelam (PLOTE) and the Razeek group were responsible for killing a number of persons; however, there were no reports of such killings during the year. The security forces had armed and used these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE terrorists, and, in some cases, to fight in military operations against the terrorists. The exact size of these militias was impossible to ascertain, but they probably totaled fewer than 2,000 persons. These groups were asked to disarm following the formal February ceasefire agreement between the Government and LTTE. The militia did hand over some weapons to the Government; however, most observers believe that the groups kept some arms. Persons killed by these militants in the past probably included LTTE operatives and civilians who failed to comply with extortion demands.

There were no developments in the 2000 death of Jaffna media correspondent Mayilvaganam Nimalarajan.

There were unconfirmed reports that the LTTE continued to commit unlawful killings. Due to the inaccessibility of LTTE-controlled areas and the LTTE's prevention of investigations by outside agencies, the exact number and type of killings in LTTE-controlled areas is unknown. Some observers believe that the amount of killings was reduced drastically last year. Attacks by the LTTE killed civilians outside of LTTE-controlled areas in the past; however, there were no such confirmed reports during the year.

In 2001 attacks and counter-attacks between government forces and the LTTE occurred almost daily; however, there were no such attacks during the year. There were two suicide bombing attacks attributed to the LTTE during 2001, on September 15 and October 29, in addition to the July attack on the airport north of Colombo (*see* Section 1.g.). There were no reports of suicide bombings during the year. There were reports that the LTTE committed unlawful killings, including lamppost killings in 2001 (*see* Section 1.g.).

b. Disappearance.—Unlike in previous years, there were no credible reports of disappearances at the hands of the security forces.

In 2001 the army, navy, police, and paramilitary groups were involved in as many as 10 disappearances, primarily in Vavuniya. Between January and September 2001, the Human Rights Commission received 44 reports of disappearances in Vavuniya alone. These cases were not confirmed. In December 2000, eight Tamil civilians were reported missing in Mirusuvil. Two SLA soldiers were identified as perpetrators and admitted to killing eight of the civilians. The soldiers were punished administratively by the army (*see* Sections 1.a. and 1.c.).

In February 2000, a fisherman seen arrested by naval personnel near Trincomalee disappeared. During the year, the Trincomalee High Court ordered a police line up; however, the witness did not identify any of the suspects. At year's end, the High Court was conducting a habeas corpus hearing in conjunction with the case.

Those who disappeared in 2001 and previous years usually are presumed dead. The 2000 U.N. Working Group on Enforced or Involuntary Disappearances lists the country as having an extremely large number of "nonclarified" disappearances. The Commander of the Army and the Inspector General of Police both criticized the disappearances and stated that the perpetrators would be called to account. Although there have been few prosecutions of security force personnel to date, during the year there were numerous indictments and investigations, including the case against the security forces involved in the Bindunuwewa massacre and the killings in Mirusuvil.

The Attorney General's office successfully prosecuted 4 cases by year's end involving members of the security forces on abduction and murder charges. In November the Government formed a new commission to investigate disappearances in Jaffna area during 1996 and 1997. The commission was expected to begin work in 2003.

In 1999 the U.N. Working Group on Enforced or Involuntary Disappearances made its third visit to the country. Its report, released in December 1999 cited the PTA and ER as important factors contributing to disappearances and recommended the abolition or modification of these laws to bring them into conformity with internationally accepted human rights standards. The ER was repealed in 2001 and there were no arrests under the PTA during the year; however, some arrests were being made without proper procedures and the Government had not all persons detained under the PTA in previous years at year's end (*see* Section 1.d.). The reviewing process for some cases still was ongoing at year's end.

Tamil militias aligned with the former PA government also were responsible for disappearances in past years; however, there were no reports during the year. These militias detained persons at various locations that in effect served as undeclared detention centers. The HRC had no mandate or authority to enforce respect for human rights among these militia groups. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. During the year, the Government took steps to disarm these militias as part of the peace process.

The LTTE was responsible for an undetermined number of civilian disappearances in the north and east during the year. Although the LTTE previously has denied taking any prisoners from its battles in January, they released 10 citizens, including some soldiers, to the International Committee of the Red Cross (ICRC). On September 28, the LTTE exchanged 7 soldiers in exchange for 13 LTTE cadre. At year's end, the LTTE was not known to be holding any prisoners (see section 1.g.).

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—Despite legal prohibitions, the security forces and police continued to torture and mistreat persons in police custody and prisons. The Convention Against Torture Act (CATA) made torture a punishable offense. Under the CATA, torture is defined as a specific crime, the High Court has jurisdiction over violations, and criminal conviction carries a 7-year minimum sentence. However, according to a recent Amnesty International (AI) report and press release, the CATA does not implement several provisions of the U.N. Convention; this results in torture being prohibited under specific circumstances but allowed under others. Consequently, torture continued with relative impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, sufficient to hold a person until they are brought to court. In some cases, the detention can extend for years.

Since 2000 the Government has been working on developing regulations to prosecute and punish military and police personnel responsible for torture. The Attorney General's Office and the Criminal Investigation Unit have established units to focus on torture complaints; the units forwarded 14 cases for indictments during the year. The Interparliamentary Permanent Standing Committee and its Interministerial Working Group on Human Rights Issues have begun tracking criminal investigations of torture. In addition, the Government also ceased paying fines incurred by security force personnel found guilty of torture. Security force personnel have been fined under civil statutes for engaging in torture. According to the Attorney General's Office, members of the security forces and police have been prosecuted under criminal statutes, but none of the cases had come to conclusion.

Members of the security forces continued to torture and mistreat detainees and other prisoners, particularly during interrogation. Methods of torture included electric shock, beatings, suspension by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near drowning. In other cases, victims must remain in unnatural positions for extended periods or have bags laced with insecticide, chili powder, or gasoline placed over their heads. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. There were reports of rape in detention during the year. Medical examination of persons arrested since 2000 continued to reveal multiple cases of torture.

In December 2000, the bodies of eight Tamils tortured and killed by the army in Mirusuvil were exhumed after one person escaped and notified authorities. Nine soldiers were arrested, and by year's end, a trial had begun (*see* Sections 1.a. and 1.b.). The military also conducted its own inquiry; the personnel involved were discharged.

On March 15, Thivyan Krishnasamy, a student leader and an outspoken critic of the actions of security forces in Jaffna, was released from custody. Human rights observers claim that he was arrested because of his political activism, but the police stated that he was connected to the LTTE. He was arrested in July 2001 and when he was brought before a court in August he complained of being tortured. In response to his allegations of torture, the Jaffna Student Union held protests during the fall of 2001. In response university administrators temporarily closed the university to avoid violence.

During 2001 there were a number of reports of women being raped by security forces while in detention. One such case involved two women arrested in March 2001 in Mannar who claimed that they were tortured and repeatedly raped by naval and police personnel. The women were released on bail in April 2001 and filed charges against their assailants. At year's end, the 14 accused were standing trial for rape, torture, or both. A fundamental rights case also was opened against the accused. Four other cases in which the security forces are accused of raping women in detention still were pending at year's end.

Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the high courts or Supreme Court. Courts have granted awards ranging from approximately $175 (14,200 rupees) to $2,280 (182,500 rupees). However, most cases take 2 years or more to move through the courts.

Impunity remained a problem. In the majority of cases in which military personnel may have committed human rights abuses, the Government has not identified those responsible or brought them to justice.

At the invitation of the Government, the U.N. Committee on Torture sent a five-person mission to Colombo in 2000 to determine whether a systematic pattern of torture exists in the country and, if so, to make recommendations for eliminating the practice. In 2001 the mission had submitted its confidential report to President Kumaratunga; however, by year's end, the report had not been released to the public.

In the past, Tamil militants aligned with the former PA government engaged in torture; however, there were no such reports during the year.

The LTTE reportedly used torture on a routine basis.

Prison conditions generally were poor and did not meet international standards because of overcrowding and lack of sanitary facilities; however, the Government permitted visits by independent human rights observers. The Government permitted representatives from the ICRC to visit places of detention. The ICRC conducted 185 visits to 35 government locations. The HRC also visited 681 police stations and more than 326 detention facilities by year's end (*see* Section 1.d.).

Conditions also reportedly were poor in LTTE-run detention facilities. The IRCR conducted 8 visits in LTTE-controlled detention facilities.

The LTTE permitted the ICRC to visit soldiers detained in the Vavuniya region approximately once every 6 weeks until their release (*see* Section 1.g.). Due to the release of detainees in 2000 and the apparent release of the remaining soldiers held by the LTTE, ICRC visited fewer LTTE detention centers than in previous years (*see* Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—In the past, arbitrary arrest and detention were problems; however, there were no reports of arbitrary arrests or detentions during the year. Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice, persons detained generally appear before a magistrate within a few days of arrest. The magistrate may authorize bail or order continued pretrial detention for up to three months or longer. Security forces must issue an arrest receipt at the time of arrest, and despite some efforts by the Government to enforce this standard, arrest receipts rarely were issued. Observers believed that the lack of arrest receipts prevents adequate tracking of cases, which permits extended detentions and torture without making any persons directly responsible for those detainees.

Under the ER and the PTA, security forces could detain suspects for extended periods of time without court approval. The ER, in force periodically since 1979 and in force island-wide from August 1998 until July 2001, gave security forces broad powers to arrest and detain without charge or the right to judicial review. ER provisions permitted police to hold individuals for up to 90 days to investigate suspected offenses, although the police had to present detainees to a court within 30 days to record the detention. The court was able to order a further 6 months' detention.

In past years, the army generally turned over those that it arrested under the ER to the police within 24 hours, although the police and the army did not always issue arrest receipts or notify the HRC within 48 hours. The HRC has a legal mandate to visit those arrested, and police generally respected this. Due to censorship and infrequent access, observers could not determine the state of affairs in LTTE-controlled areas.

In the past, there were credible reports that the military held persons for short amounts of time in smaller camps for interrogation before transferring them to declared places of detention; however, there were no such reports during the year. This procedure, which allegedly occurred on the Jaffna peninsula, in Vavuniya, and in the east (*see* Section 1.c.), did not comply with requirements to notify the HRC of arrests and to issue arrest receipts. The military maintained the detainees were "in transit," and claimed they did not violate the detainees' rights.

Unlike in previous years, there were no large-scale arrests of Tamils during the year. In the past, many detentions occurred during operations against the LTTE. Most detentions lasted a maximum of several days although some extended to several months. As of September 1, 222 Tamils charged under the PTA remained in detention without bail awaiting trial. As part of the peace process' confidence building measures, the Government released more than 750 Tamils arrested under the PTA during the first 8 months of the year.

Unlike in previous years, there were no reports of arbitrary arrests or searches of residents. In previous years, Tamils complained that they were abused verbally and held for extended periods at security checkpoints throughout Colombo. During the week following the July 2001, attack on Colombo's main airbase and international airport, security forces detained hundreds of Tamils in the Colombo region for questioning. In addition, those arrested sometimes were held in prisons with convicted criminals. The vast majority of checkpoints were removed in January and the reports of regular mistreatment by security forces largely ceased.

The Committee to Inquire into Undue Arrest and Harassment (CIUAH), which includes senior opposition party and Tamil representatives, examines complaints of arrest and harassment by security forces and takes remedial action as needed. The Committee received more than 1,200 complaints in 2001. Opinions on the effectiveness of the CIUAH were mixed. Some human rights observers believe that the work of the committee deterred random arrests and alleviated problems encountered by detainees and their families. The role of the CIUAH diminished drastically during the year due to peace-process related improvements.

The HRC investigated the legality of detention in cases referred to it by the Supreme Court and private citizens. Although the HRC is legally mandated to exercise oversight over arrests and detentions by the security forces and to undertake visits to prisons, members of the security forces sometimes violated the regulations and failed to cooperate with the HRC.

The Government continued to give the ICRC unhindered access to approximately 160 detention centers, police stations, and army camps recognized officially as places of detention. Due to the lapsing of the ER in July 2001, the total number of persons detained in military bases at any one time has been reduced dramatically, with the military making fewer arrests and transferring detainees to police facilities more quickly than in previous years. With the ceasefire agreement, the number of arrests by the military has dramatically declined.

The EPDP reportedly detained its own members for short periods in Jaffna as punishment for breaking party discipline. Unlike in previous years, there were no reports of the PLOTE continuing to run places of illegal detention in Vavuniya.

The LTTE in the past has detained civilians, often holding them for ransom. There were reports of this practice during the year, such as the multiple reports of kidnaping of Muslim businessmen in Batticaloa area, particularly during the first 4 months of the year. Reports indicate that the LTTE demanded anywhere from a few hundred dollars to upwards of $10,415 (1,000,000 Rupees) for their release. At year's end, all the Muslim businessmen reportedly had been released.

The Government does not practice forced exile, and there are no legal provisions allowing its use.

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

The President appoints judges to the Supreme Court, the courts of appeal, and the high courts. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints, transfers, and dismisses lower court judges. Judges serve until the mandatory retirement age of 65 for the Supreme Court and 62 for other courts. Judges can be removed for reasons of misbehavior or physical or mental incapacity, but only after a legal investigation followed by joint action of the President and the Parliament.

In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and may be represented by the counsel of their choice, have the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high courts and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assist some defendants. In addition, the Ministry of Justice operates 11 community legal aid centers to assist those who cannot afford representation and to serve as educational resources for local communities. However, these legal aid centers had tried no cases by the end of September. There are no jury trials in cases brought under the PTA. Confessions, obtained by various coercive means, including torture, are inadmissible in criminal proceedings, but are allowed in PTA cases. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, de-

fendants can spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases come to trial, decisions are made relatively quickly. During the year, more than 750 PTA cases were dropped and the prisoners released.

Most court proceedings in Colombo and the south are conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, has restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north and east are in Tamil and English, but many serious cases, including those having to do with terrorism, are tried in Colombo. While Tamil-speaking judges exist at the magistrate level, only four high court judges, an appeals court judge, and a Supreme Court justice speak fluent Tamil. Few legal textbooks and only one law report exist in Tamil, and the Government has complied only slowly with legislation requiring publishing all laws in English, Sinhala, and Tamil.

In the past in Jaffna, LTTE threats against court officials sometimes disrupted normal court operations. Although the Jaffna high court suspended activities due to security concerns in 2000, it reopened in 2001 and still was functioning at year's end. During the year, the LTTE expanded the operations of its court system into areas previously under the Government's judicial system in the north and east. With the expansion, the LTTE demanded all Tamil civilians stop using the Governments judicial system and only rely on the LTTE's legal system. Credible reports indicated that the LTTE has implemented the change through the threat of force.

The LTTE has its own self-described court system, composed of judges with little or no legal training. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. The courts reportedly impose severe punishments, including execution.

The Government claims that all persons held under the PTA are suspected members of the LTTE and therefore are legitimate security threats. Insufficient information exists to verify this claim and to determine whether these detainees are political prisoners. In many cases, human rights monitors question the legitimacy of the criminal charges brought against these persons. More than 750 PTA cases were dismissed by the Attorney General by September 1. The Attorney General's office expected a few more of the 222 remaining cases to be dismissed at year's end. The Government claimed that the cases that remained only will be of those individuals directly linked to suicide bombings or other terrorist and criminal acts.

The LTTE also reportedly holds a number of political prisoners. The number is impossible to determine because of the secretive nature of the organization. The LTTE refuses to allow the ICRC access to these prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy, and the Government generally respected this provision in practice; however, it infringed on citizen's privacy rights in some areas. The police obtained proper warrants for arrests and searches conducted under ordinary law; however, the security forces were not required to obtain warrants for searches conducted either under the now lapsed ER or the PTA. The Secretary of the Ministry of Defense was responsible for providing oversight for such searches. Some Tamils complained that their homes were searched as a means of general harassment by the security forces. The Government was believed to monitor telephone conversations and correspondence on a selective basis. However, there were no reports of such activity by security forces during the year.

On September 4, taking into account the fast progress of the peace process, the Government legalized the LTTE.

The LTTE routinely invaded the privacy of citizens, by maintaining an effective network of informants. The LTTE also forcibly recruited children during the year (*see* Section 6.d.). During August and September, the LTTE handed over 85 children to UNICEF, stating that the children had volunteered to serve, but that the LTTE does not accept children (*see* Section 6.d.). Unlike in the previous year, there were no reports that the LTTE expelled Muslims from their homes.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Hostilities between the Government and the LTTE abated with the announcement of unilateral ceasefires in December 2001, followed by a formal ceasefire accord agreed to in February. Subsequently, a number of prisoners have been exchanged and the key road connecting Jaffna has been opened. The reconciliation also has led to a sharp reduction in roadblocks and checkpoints around the country, the return of approximately 150,000 IDPs to their points of origin in the north and east, and to the opening of numerous investigations into actions by security force personnel.

On April 29, in Nilaveli, on the east coast, naval personnel opened fire and injured two Tamil women. The circumstances surrounding the incident remained un-

clear at year's end. The investigation into the incident remained open. On October 10, seven civilians were killed when security force personnel fired into a crowd storming their compound in the east. Some observers claimed the security forces used excessive force in repelling a peaceful crowd that was demonstrating against the alleged harassment of LTTE cadre earlier in the day. Others claim the security forces were justified in repelling what appeared to be a LTTE-instigated attack.

In 2001 an estimated 2,000 combatants and 100 civilians were killed in conflict-related incidents. Unlike in previous years, there were no reports that the airforce carried out a bombing campaign.

In the past, the Government often publicized aspects of its planned operations to allow civilians time to vacate the probable areas to be affected. However, in 2001, the armed forces did not give public warnings before the commencement of operations.

Investigations into the May 2000 incident in which a bomb exploded at a Buddhist temple in Batticaloa concluded in 2001. After the bomb exploded, security forces reportedly opened fire, killing four children and injuring eight more. The Government maintained that the evidence and interviews of witnesses do not support those claims. No arrests have been made to date, and the incident no longer was under investigation.

In November 2001, the SLA created the Directorate of Human Rights and Humanitarian Law in the army. The directorate is charged with coordinating all human rights activities for the army from ICRC training classes (*see* Section 4) to overseeing the human rights cells that are assigned throughout the military. The SLA also states that all of its personnel have completed the appropriate training and pledged to adhere to the "rules of international Humanitarian Law." Early in the year, the air force and navy instituted similar programs. The armed forces operated under written rules of engagement that severely restricted the shelling, bombardment, or other use of firepower against civilian-occupied areas.

The Government continued to provide food relief, through the Commissioner General for Essential Services (CGES) and the Multi-Purpose Cooperative Societies (MCPS), to displaced and other needy citizens, including those in areas controlled by the LTTE. The Government delivered food rations to the Vanni area through a checkpoint that is controlled on one side by the security forces and on the other by the LTTE. The border into the territory controlled by the LTTE was not closed during the year.

In previous years, NGOs and other groups that sought to take controlled items to LTTE-controlled areas in the Vanni region needed permission from local officials as well as from the Ministry of Defense. Delays were common and approval sometimes was denied. As a result, many medical items in the Vanni region and Jaffna were in short supply, which contributed to a deterioration in the quality and quantity of medical care furnished to the civilian population. Previous restrictions on the transport of items such as cement, batteries, and currency into the LTTE-controlled areas no longer were no in effect during the year.

The Ministry of Defense reported capturing several LTTE terrorists with weapons in government-controlled areas in direct contradiction of the terms of the ceasefire agreement. The Government reportedly returned most LTTE personnel directly to the closest LTTE checkpoint; however, some were detained for longer periods. Previously the military sent the cadre they captured or who surrendered to rehabilitation centers. The ICRC continued to visit former LTTE members in government rehabilitation camps, although the October 2000 massacre of more than 20 such detainees at a government-run detention facility at Bindunuwewa, near Bandarawella, led observers to question the continued security of residents of these facilities (*see* Sections 1.a. and 1.g.).

In view of the scale of hostilities in previous years and the large number of LTTE casualties, some observers have found the number of prisoners taken under battlefield conditions to be low and have concluded that many LTTE fighters apparently were killed rather than taken prisoner. Some observers believed that, on the Government side, an unwritten "take-no-prisoners" policy had been in effect. The military denied this claim, stating that other factors limited the number of prisoners taken, such as the LTTE's efforts to remove injured fighters from the battlefield, the proclivity of its fighters to choose suicide over capture, and the LTTE's occasional practice of killing its own badly injured fighters. There were no reports of security forces personnel executing LTTE cadres during the year.

In previous years, the Government refused to permit relief organizations to provide medical attention to injured LTTE fighters, although it has offered to treat any LTTE injured entrusted to government care. According to credible reports, injured LTTE cadres surrendering to the Government received appropriate medical care.

The LTTE admitted that in the past it killed security forces personnel rather than take them prisoner. Past eyewitness accounts confirm that the LTTE has executed injured soldiers on the battlefield. At year's end, the LTTE reportedly had released all security force personnel they were holding. The LTTE is believed to have killed most of the police officers and security force personnel captured in the past few years. In January the LTTE unilaterally released 10 citizens including some soldiers. On September 28, the LTTE released 7 prisoners in exchange for the release of 13 of their cadres.

The LTTE used excessive force in the war. During the year, the LTTE engaged in hostage taking, hijackings, and forcible recruitment, including of children.

In July 2001, the LTTE attacked Colombo's main airbase and international airport. During the attack, the LTTE destroyed six military and four civilian aircraft. The LTTE also damaged the civilian airport.

In the past, the LTTE regularly was accused of killing civilians. For example, the LTTE was accused of killing four Sinhalese villagers at Wahalkada village in March 2001, and killing a Tamil civilian and injuring 15 others in Trincomalee in June 2001.

The LTTE uses child soldiers. In October four children ranging in age from 15 to 17 years surrendered to a local church near Trincomalee after escaping from the LTTE. According to Sri Lanka Monitoring Mission, the international monitors received approximately 600 complaints about child abductions since early March, and credible sources say those children are recruited to be child soldiers. Credible sources reported increased LTTE recruitment, including recruitment of children during the year.

The LTTE expropriates food, fuel, and other items meant for IDPs, thus exacerbating the plight of such persons in LTTE-controlled areas. Malnutrition remained a problem in LTTE-controlled areas as well as in other parts of the Vanni region, with nutrition levels falling below the national average. Experts have reported a high rate of anemia and a low birth rate, both of which indicate lower levels of nutrition. Confirmed cases of malnutrition included hundreds of children. However, a survey completed by Medecins Sans Frontieres in 1999 found malnutrition levels in the war-affected areas at about the same level as in the war-free south of the country.

Landmines were a problem in Jaffna and the Vanni and to some extent in the east (*see* Section 5). Landmines, booby traps, and unexploded ordnance pose a problem to resettlement of displaced persons and rebuilding. A U.N. landmine team tasked with locating and mapping LTTE and army mines in the Jaffna peninsula suspended its mission in 2000 stating that it was impossible to continue as long as hostilities continued. At year's end, a U.N. team had begun coordinating the process of mapping the mined areas in the country and established oversite for a mine removal program. During the year, the Sri Lankan Military and the LTTE removed mines in areas they controlled. During the year, the Government reported four mine-related casualties among civilians per month. In August 2001, a civilian bus travelling to Trincomalee hit a land mine injuring 30 of its passengers. In September 2001, a vehicle carrying a family hit a mine approximately 5 kilometers north of Jaffna, killing all six passengers and the driver.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. In the past, the Government restricted these rights in practice, often using national security grounds permitted by law; however, there were no reports of such practices during the year. During the year, criminal defamation laws, which had often been used by the Government to intimidate independent media outlets, were eliminated. In 2001 the Government officially lifted the censorship on war reporting. However, even when no specific government censorship is exercised, private television stations impose their own, informal censorship on international television news rebroadcast in the country.

The Government controls the country's largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation (SLBC). There are a variety of independent, privately owned newspapers, journals, and radio and television stations, most of which freely criticize the Government and its policies. The Government imposes no political restrictions on the establishment of new media enterprises.

The President officially eased censorship restrictions on foreign journalists in a circular published in June 2000; however, material for publication or broadcast within the country, regardless of author, remained subject to government approval until the repeal of censorship laws in June 2001. Claims of harassment and intimi-

dation of private media by the Government continue. In November Paul Harris, a foreign national and a journalist loosely affiliated with the "Daily Telegraph" was denied a visa extension, allegedly for violation of the terms of his visa. Speculation in the press is that the denial was based on political pressure because of Mr. Harris' criticism of the Government and the LTTE. Multiple organizations, including the Editor's Guild of Sri Lanka, the Free Media Movement, the Foreign Correspondents Association of Sri Lanka, and the President's office have criticized the decision as an infringement on freedom of the press.

Human rights observers commented that in the past Tamils from the north or east who criticized the Sri Lankan military and government often were harassed and sometimes arrested. They cite the case of Thiviyan Krishnasamy, a student leader in Jaffna and critic of the military in the Jaffna area. He was arrested in July 2001 and released in March (*see* Section 1.c.).

In September 2000, police arrested a young man for criticizing the president on a radio call-in show. Police traced the call to discover the caller's address. The young man's parents alleged that he had a mental illness and could not be held responsible for his comments. At year's end, the young man was released and the case was dismissed.

In 2000 police detained two persons for questioning in connection with the 1999 murder of Rohana Kumara, editor of a Sinhala-language newspaper that had been critical of leading figures in the ruling coalition. By year's end, no one had been charged in connection with the case.

No action was taken, nor is any likely, into the following: The 1999 killing of editor Ramesh Nadarajah, and the 1999 abduction of a journalist by an army brigadier. On February 9, two airforce personnel were given lengthy jail sentences for the February 1998 killing of a journalist who regularly reported on defense matters, including corruption in military procurements. At year's end, the airforce personnel were released on bail pending conclusion of the appeals process.

During the year, the defamation laws were repealed and all cases pertaining to the defamation laws were dropped.

The Sri Lanka Tamil Media Alliance (SLTMA) was formed in 1999 to protect the interests of Tamil journalists, who allege that they are subject to harassment and intimidation by Tamil paramilitary groups and Sri Lankan security forces. Regional Tamil correspondents working in the war zones have complained of arbitrary arrest and detention in the past and difficulty in obtaining press accreditation. The SLTMA has filed cases on behalf of Tamil journalists, but its cases have not yet succeeded in the courts.

Unlike in the previous year, travel by local and foreign journalists to conflict areas was not restricted. The LTTE does not tolerate freedom of expression. It tightly restricts the print and broadcast media in areas under its control. The LTTE has killed those reporting and publishing on human rights.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

The LTTE restricted academic freedom, and it has repressed and killed intellectuals who criticize it, most notably the moderate and widely respected Tamil politician and academic, Dr. Neelan Tiruchelvam, who was killed by a suicide bomber in July 1999. The LTTE also has severely repressed members of human rights organizations, such as the University Teachers for Human Rights (UTHR), and other groups. Many former members of the UTHR have been killed.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. Although the PTA may be used to restrict this freedom, the Government did not use the act for that purpose during the year. Numerous peaceful political and nonpolitical rallies were held throughout the country during the year.

In July 2001, the opposition held a rally that the Government claimed was illegal under the 1981 Referendum Act, which essentially states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled. Security forces killed two persons when the Government confronted the rally with force, prompting further demonstrations. However, the Government generally grants permits for demonstrations, including those by opposition parties and minority groups.

On October 9, eight Tamil civilians were killed by Special Task Force police during a protest in Akkaraipattu. Police and the commission tasked with investigating the incident claim that the crowd was trying to forcefully enter the police compound and the police were defending themselves. Tamils have disputed this finding, asserting that the protest was peaceful. In April 2001, a violent clash between the Sinhalese and Muslim communities occurred in Mawanella. The Muslim community protested alleged police inaction concerning the assault on a Muslim store clerk. In

response, a group of Sinhalese attacked the Muslim protesters. As the conflict escalated, two Muslims were killed and scores of buildings and a few vehicles were destroyed. Police reportedly did nothing to stop the destruction of Muslim property. The investigation into the Mawanella incident remained open at year's end.

The LTTE does not allow freedom of association in the areas that it controls. The LTTE reportedly has used coercion to make persons attend rallies that it sponsors. On the Jaffna Peninsula, the LTTE occasionally has posted in public places the names of Tamil civilians accused of associating with security forces and other government entities. The LTTE has killed Tamil civilians who have cooperated with the security forces in establishing a civil administration in Jaffna under a political leadership elected freely and fairly in January 1998.

c. Freedom of Religion.—The Constitution accords Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government generally respected this right in practice. Despite the special status afforded by the Constitution to Buddhism, major religious festivals of all faiths are celebrated as public holidays.

Foreign clergy may work in the country, but the Government has sought to limit the number of foreign religious workers given temporary work permits. Permission usually is restricted to denominations registered with the Government. The Government has prohibited the entry of new foreign clergy on a permanent basis. It permitted those already in the country to remain.

Some evangelical Christians have expressed concern that their efforts at proselytizing often meet with hostility and harassment from the local Buddhist clergy and others opposed to their work. In April two Christians were physically assaulted by a Buddhist monk. Evangelicals sometimes complain that the Government tacitly condones such harassment, but there is no evidence to support this claim.

In April 2001, a Muslim cashier was attacked by 4 Sinhalese. When the Muslim community protested police inaction, the Muslim persons were confronted by rioting Sinhalese, and 2 Muslims were killed. The police investigation into this incident remains open and no arrests have been reported.

The LTTE expelled virtually the entire Muslim population from their homes in the northern part of the island in 1990. Most of these persons remain displaced. During the year, the LTTE leadership has met with the leaders of the Muslim community on their incorporation into the peace process. In the past, the LTTE has expropriated Muslim homes, land, and businesses and threatened Muslim families with death if they attempt to return. The LTTE has made some conciliatory statements to the Muslim community, but the statements are viewed with skepticism by some Muslims.

In September a group of Christians vandalized a Jehovah's witness hall, breaking windows, ripping through electrical systems, and burning equipment used to establish a new hall in Negombo. Witnesses claimed that the police did not react to the disturbance until after the crowd dispersed.

The LTTE attacked Buddhist sites, most notably the historic Dalada Maligawa or "Temple of the Tooth," the holiest Buddhist shrine in the country, in Kandy in January 1998. In May 2000, an LTTE bombing near a temple at the Buddhist Vesak festival in Batticaloa killed 23 persons and injured dozens of others.

The LTTE has been accused in the past of using church and temple compounds, where civilians were instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to [the country]," and the Government generally respected the right to domestic and foreign travel. However, in the past, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils had to obtain police passes to move freely in the north and east, and frequently they were harassed at checkpoints throughout the country. These security measures had the effect of restricting the movement of Tamils.

However, during the year, the Government lifted a majority of the travel restrictions within the country. Areas near military bases and high security zones still have limited access. Some observers claim the high security zones are excessive and unfairly claim Tamil lands, particularly in Jaffna. The LTTE limited travel on the road connecting Jaffna in the north to the rest of the country; however, in April the Government lifted all of its restrictions on travel to Jaffna.

Fighting between government and the LTTE has displaced hundreds of thousands of persons, with many displaced multiple times as front lines shifted. The UNHCR reports that there are less than 600,000 IDPs in country. Since September 2000, 172,000 IDPs have been living in welfare centers ranging from camps, where conditions vary considerably, to settlements with a full range of government social services and food aid. By the end of 2001, an estimated 500,000 to 800,000 IDPs, including those in the Vanni, had registered for government food aid, and were receiving medicine and other essential supplies from the Government. However, by year's end, more than 220,000 IDPs returned to points of origin in country, with more than half of the returnees transited to points in Jaffna District.

The Government has sought to resettle the displaced when possible and has arranged for a number of those from Jaffna to return to their homes. Over the years, the Government, in cooperation with the UNHCR, built permanent housing for 18,000 Muslims in the Puttalam area. An additional one-time resettlement program relocated 1,000 families by the end of 2001.

The LTTE has discriminated against Muslims, and in 1990 expelled some 46,000 Muslim inhabitants—virtually the entire Muslim population—from their homes in areas under LTTE control in the northern part of the island. Most of these persons remain displaced and live in or near welfare centers. There were credible reports that the LTTE has warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict is over. However, it appeared that these attacks by the LTTE were not targeted against persons due to their religious beliefs, rather, it appeared that they were part of an overall strategy to clear the north and east of persons not sympathetic to the cause of an independent Tamil state. During the year, the LTTE has invited the Muslim IDPs to return home, asserting they will not be harmed. Although some Muslim IDPs have begun returning home, the vast majority have not and were instead waiting for a guarantee from the Government for their safety in LTTE-controlled areas.

Between October 1996 and the end of 1999, more than 150,000 persons moved out of LTTE-controlled regions through Vavuniya and other transit points into government controlled regions. Of these, more than 100,000 reached Jaffna and other Tamil-majority areas. Many had left the Vanni region with the intention of proceeding south; they opted for other destinations only after learning that they would have to remain in transit camps until security clearances for southward travel were obtained. Obtaining a clearance could take up to 4 months in some cases, and some human rights groups alleged that the procedures were arbitrary and unreasonably strict. The Government restricted the movement of displaced Tamils due to possible security, economic, and social concerns. These restrictions have been lifted with the onset of the peace process.

The LTTE occasionally disrupts the flow of persons exiting the Vanni region through the two established and legal checkpoints. In particular the LTTE taxes civilians travelling through areas it controls. In the past, the LTTE disrupted the movement of IDPs from Trincomalee to Jaffna by hijacking or attacking civilian shipping, although there were no such reports this year. Humanitarian groups estimate that more than 200,000 IDPs live in LTTE-controlled areas (*see* Section 1.g.).

An estimated 65,000 Tamil refugees live in camps in Tamil Nadu in Southern India. Approximately 100,000 refugees may have integrated into Tamil society in India over the years. UNHCR reports that a small number may have returned from India during the year.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. The Government does not permit the entry of refugees into the country or grant first asylum, nor does it aid those who manage to enter to seek permanent residence elsewhere. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, fair, and multiparty elections held on the basis of universal suffrage; however, recent elections have been marred by violence and some irregularities. The country is a longstanding democratic republic with an active multiparty system. Power is shared between the popularly elected President and the 225-member Parliament. The right to change the Government was exercised in the December 2001 parliamentary elec-

tions in which the United National Front, a coalition of parties led by the UNP, won a majority in Parliament for the next 6-year period. Fearing possible infiltration by the LTTE, the Government prohibited more than 40,000 Tamil voters from LTTE controlled territories from crossing army checkpoints to vote.

Following the December 2001 elections, the UNP and its allies formed the new government. The president's party, the PA, is now the opposition in Parliament. The UNP, led by Prime Minister Ranil Wickremesinghe, has formed the new government and filled the positions in the cabinet. Cohabitation ties between the President and Prime Minister have been difficult.

The President suspended Parliament from July to September 2001 out of concern that her coalition had lost its majority in Parliament because of defections. The suspension of Parliament angered opposition parties, which sponsored numerous demonstrations. One of these demonstrations, ended with the deaths of two marchers killed by security forces (*see* Section 2.b.). After further defections from her coalition, the President dissolved Parliament in October 2001, and called for elections to take place in December 2001.

In December 2001, 12 supporters of the Sri Lankan Muslim Congress were killed, apparently by hired thugs of a PA candidate. Former PA MP Anuruddha Ratwatte and his two sons have been indicted for conspiracy. In addition, 15 others, including security force personnel, were indicted for their alleged involvement in the murders. The trial continued at year's end. Despite an extremely violent campaign, including credible reports on the use of intimidation by both of the major parties, voter turnout exceeded 70 percent. The People's Alliance for Free and Fair Elections (PAFFREL) reported 755 incidents of violence and 49 deaths; the Center for Monitoring Election Violence (CMEV) reported 4,208 incidents, and 73 deaths; and the police reported 2,247 incidents, and 45 deaths during the year.

In September 2001, the Parliament passed the 17th Amendment, which established an independent Commission on Elections (among other commissions), which is to be tasked with ensuring free and fair elections; however, implementing legislation has yet to be passed.

A delegation from the European Union monitoring the election expressed concern about violence and irregularities in the voting, but concluded that the election "did to a reasonable degree reflect the will of the electorate."

The Commissioner of Elections recognized 46 parties at the time of general elections in October 2000; only 13 parties actually held seats in the 225-member Parliament elected during 2001. The two most influential parties, the Sri Lanka Freedom Party (the principal component party of the governing PA coalition) and the UNP, generally draw their support from the majority Sinhalese community. These two parties have alternated in power since independence.

There are 9 women in the 225 Parliament. There was one in the 73 member Cabinet and the Supreme Court. In December 1999, a woman was elected President for a second term. One woman (Minister of Women's Affairs) was appointed to the new cabinet formed after the December 5 elections.

There are 28 Tamil and 21 Muslim persons in the 225 member Parliament elected in December 2001. The Parliament elected in October 2000 had 23 Tamil and 22 Muslim members.

The LTTE refuses to allow elections in areas under its control, although it did not oppose campaigning by certain Tamil parties in the east during the December 2001 parliamentary elections. In previous years, the LTTE effectively had undermined the functioning of local government bodies in Jaffna through a campaign of killing and intimidation. This campaign included the killing of 2 of Jaffna's mayors and death threats against members of the 17 local councils. During the period of the conflict, the LTTE killed popularly elected politicians, including those elected by Tamils in areas the LTTE claimed as part of a Tamil homeland.

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

Several domestic human rights NGOs, including the Consortium of Humanitarian Agencies (CHA), the University Teachers for Human Rights, Jaffna (UTHR-J), the Civil Rights Movement (CRM), and the Law and Society Trust (LST), monitor civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGOs, although the Government officially requires NGOs to include action plans and detailed descriptions of funding sources as part of its registration process. Some NGO workers have seen this as an attempt by the Government to exert greater control over the NGO sector after previous human rights groups criticisms. Few NGOs complied with these new reporting requirements. A number of domestic and international human rights groups generally operate with-

out government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views.

The Government allowed the ICRC unrestricted access to detention facilities (*see* Sections 1.c. and 1.d.). The ICRC provides international humanitarian law training materials and training to the security forces. The UNHCR, the ICRC, and a variety of international NGOs assisted in the delivery of medical and other essential supplies to the Vanni area (*see* Section 1.g.).

In the first 6 months of the year, the HRC conducted more than 600 visits to police stations and more than 300 visits to detention facilities. The HRC has more than 4,500 cases of alleged human rights abuse pending. The Commission's investigation into the allegations by former Lance Corporal Rajapakse about mass graves at Chemmani in Jaffna resulted in exhumations in 1999 that provided the basis for the ongoing case (*see* Section 1.a.). Nonetheless, some human rights observers believed that the work of the HRC was hampered by a lack of strong leadership; however, over the past year, many human rights observers recognized that the new leader of the HRC was willing to confront other branches of the Government on human rights problems and new standard procedures. Activists have expressed some satisfaction with the new leadership's prompt investigation into the November 2000 Bindunuwewu massacre.

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

The Constitution provides for equal rights under the law for all citizens, and the Government generally respected these rights. The Supreme Court regularly upholds court rulings in cases in which individuals file suit over the abridgment of their fundamental civil rights. The HRC and the CIUAH are other mechanisms that the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts (*see* Section 1.d.).

Women.—Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) continued to be serious and pervasive problems. Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation and modified rape laws to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation, and laws govern sexual molestation and sexual harassment in the workplace. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believe that greater sensitization of police and judicial officials is required. The Government set up the Bureau for the Protection of Children and Women within the police in 1994 to respond to calls for greater awareness and attention; however, there was no information on any actions taken by the Bureau nor on the number of crimes against women.

In the previous year, police reported 500 rape case investigations. From January 1 to October 1, the police have reported a total of 865 rape investigations in country, and 29 involve security force personnel. In 2001 there were a number of reports of security forces raping women in custody (*see* Section 1.c.). During the year, there was one such report. There have been no convictions in the cases involving security force personnel.

Although laws against procuring and trafficking were strengthened in 1995, trafficking in women for the purpose of forced labor occurs (*see* Sections 6.f.).

The Constitution provides for equal employment opportunities in the public sector. However, women have no legal protection against discrimination in the private sector where they sometimes are paid less than men for equal work, often experience difficulty in rising to supervisory positions, and face sexual harassment. Women constitute approximately one-half of the formal work force.

Women have equal rights under national, civil, and criminal law. However, questions related to family law, including divorce, child custody, and inheritance, are adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women was 18 years, except in the case of Muslims, who continue to follow their customary marriage practices. The application of different legal practices based on membership in a religious or ethnic group often results in discrimination against women.

Children.—The Government is committed to protecting the welfare and rights of children, but is constrained by a lack of resources. The Government demonstrated this commitment through its extensive systems of public education and medical care. The law requires children between the ages of 5 and 14 to attend school. Approximately 85 percent of children under the age of 16 attend school. Education was free through the university level. Health care, including immunization, also was free.

In the period from January 1 to October, the police recorded 613 cases of pedophilia, compared with 767 cases of crimes against children for January 2001 to August 2001. Many NGOs attribute the problem of exploitation of children to the lack of law enforcement rather than adequate legislation. Many law enforcement resources were diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducts investigations into crimes against these two groups. In September the police opened an office to work directly with the National Child Protection Authority (NCPA) on children's issues to support NCPA investigations into crimes against children and to arrest suspects based on those investigations.

Under the law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. The legislation further widened the definition of child abuse to include the involvement of children in war. The NCPA is comprised of representatives from the education, medical, retired police, and legal professions; it reports directly to the President.

The Government has pushed for greater international cooperation to bring those guilty of pedophilia to justice. The penalty for pedophilia is not less than 5 years and up to 20 years as well as an unspecified fine. Four cases of pedophilia were brought to court in 2000, one involving a foreigner. Two cases were brought to court during the year; however, in both cases the accused fled the country. There were few reported arrests for pedophilia during the year, but there were no convictions.

Child prostitution is a problem in certain coastal resort areas. The Government estimates that there are more than 2,000 active child prostitutes in the country, but private groups claim that the number is much higher (*see* Section 6.f.). The bulk of child sexual abuse in the form of child prostitution is committed by citizens; however, some child prostitutes are boys who cater to foreign tourists. Some of these children are forced into prostitution (*see* Section 6.f.).

The LTTE uses child soldiers and recruits children, sometimes forcibly, for use in battlefield support functions and in combat. LTTE recruits, some as young as 13, have surrendered to the military, and credible reports indicate the LTTE has stepped up recruiting efforts (*see* Section 1.g.). In May 1998, the LTTE gave assurances to the Special Representative of the U.N. Secretary General for Children in Armed Combat that it would not recruit children under the age of 17. The LTTE has not honored this pledge, and even after the ceasefire agreement there were multiple credible reports of the LTTE forcibly recruiting children (*see* Section 6.d.).

Persons with Disabilities.—There was some discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law does not mandate access to buildings for persons with disabilities. The World Health Organization estimates that 7 percent of the population was persons with disabilities. Most persons with disabilities, who are unable to work, were cared for by their families. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The Government also provided some financial support to NGOs that assist persons with disabilities; subsidized prosthetic devices and other medical aids for persons with disabilities; make some purchases from suppliers with disabilities; and has registered 74 schools and training institutions for persons with disabilities run by NGOs. The Department of Social Services has selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. In spite of these efforts, persons with disabilities still face difficulties because of negative attitudes and societal discrimination. The law forbidding discrimination against any person on the grounds of disability. No cases were known to have been filed under this law.

Indigenous Persons.—The country's indigenous people, known as Veddas, number fewer than 1,000. Some prefer to maintain their isolated traditional way of life, and they are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. In 1998 the Government fulfilled a long-standing Vedda demand when the President issued an order granting Veddas the right to hunt and gather in specific protected forest areas. The executive order granted the Veddas the freedom to protect their culture and to carry on their traditional way of life without hindrance. Under a pilot program, Veddas received special identity cards to enable their use of these forest areas. Some Veddas still complain that they are being pushed off of their land.

National/Racial/Ethnic Minorities.—There were approximately one million Tamils of comparatively recent Indian origin, the so-called "tea estate" Tamils or "Indian" Tamils, whose ancestors originally were brought to the country in the 19th

century to work on plantations. Approximately 75,000 of these persons do not qualify for either Indian or Sri Lankan citizenship and face discrimination, especially in the allocation of government funds for education. Without national identity cards, they also were vulnerable to arrest by the security forces. However, the Government has stated that none of these persons would be forced to depart the country. During 1999 the Government introduced a program to begin registering these individuals; 15,300 tea estate Tamils received identity cards between January and September 2001. Some critics charged that the program did not progress fast enough.

Both Sri Lankan and "tea estate" Tamils maintained that they long have suffered systematic discrimination in university education, government employment, and in other matters controlled by the Government.

Section 6. Worker Rights

a. The Right of Association.—The Government respects the constitutional right of workers to establish unions, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views; however, in practice such rights can be subject to administrative delays, and unofficially are discouraged. Nonetheless, approximately 25 percent of the 6.7 million person work force nationwide and more than 70 percent of the plantation work force, which is overwhelmingly Hill Tamil, is unionized. In total there were more than 1,000,000 union members, 650,000 of whom were women. Approximately 20 percent of the nonagricultural work force in the private sector was unionized. Unions represent most workers in large private firms, but those in small-scale agriculture and small businesses usually do not belong to unions. Public sector employees are unionized at very high rates and are highly politicized.

Most large unions are affiliated with political parties and play a prominent role in the political process, though major unions in the public sector are politically independent. More than 30 labor unions have political affiliations, but there are also a small number of unaffiliated unions, some of which have active leaders and a relatively large membership. The Ministry of Labor registered 147 new unions and canceled the registration of 155 others, bringing the total number of functioning unions to 1,580. The Ministry of Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement was the only legal grounds for cancellation of registration.

This law is being implemented. Employers found guilty of such discrimination must reinstate workers fired for union activities but may transfer them to different locations.

During the year, the Government was cited by the ICFTU for failure to observe an ILO convention. Unions may affiliate with international bodies, and some have done so. The Ceylon Workers Congress, composed exclusively of Hill Tamil plantation workers, is the only trade union organization affiliated with the International Confederation of Free Trade Unions (ICFTU), although a new trade union in the Biyagama export processing zone (EPZ) is affiliated with the Youth Forum of the ICFTU. No national trade union center exists to centralize or facilitate contact with international groups.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to collective bargaining; however, very few companies practice it. Large firms may have employees in as many as 60 different unions. In enterprises without unions, including those in the EPZs, worker councils—composed of employees, employers and often a public sector representative—generally provide the forums for labor and management negotiation. The councils do not have the power to negotiate binding contracts, and labor advocates have criticized them as ineffective.

In 1999 Parliament passed an amendment to the Industrial Disputes Act to require employers to recognize trade unions and the right to collective bargaining. The law prohibits antiunion discrimination.

All workers, other than civil servants and workers in "essential" services, have the right to strike. By law workers may lodge complaints with the Commissioner of Labor, a labor tribunal, or the Supreme Court to protect their rights. These mechanisms were effective and new reforms placed limits on the amount of time allowed to resolve arbitration cases; however, there continued to be substantial backlog delays in the resolution of cases. The Government periodically has controlled strikes by declaring some industries essential under the ER (which lapsed in 2000). The President retains the power to designate any industry as an essential service. The ILO has pointed out to the Government that essential services should be limited to services where an interruption would endanger the life, personal safety, or health of the population.

Civil servants collectively may submit labor grievances to the Public Service Commission, but they have no legal grounds to strike. Nonetheless, government workers

in the transportation, medical, educational, power generation, financial, and port sectors have staged brief strikes and other work actions in the past few years. There were numerous public sector strikes during the year.

The law prohibits retribution against strikers in nonessential sectors. Employers may dismiss workers only for disciplinary reasons, mainly misconduct. Incompetence or low productivity were not grounds for dismissal. Dismissed employees have a right to appeal their termination before a labor tribunal.

There are approximately 110,000 workers employed in three EPZs, a large percentage of them women. Under the law, workers in the EPZs have the same rights to join unions as other workers. Few unions have formed in the EPZs, partially because of severe restrictions on access by union organizers to the zones. While the unionization rate in the rest of the country is approximately 25 percent, the rate within the EPZs was only 10 percent. Labor representatives alleged that the Government's Board of Investment, which manages the EPZs, including setting wages and working conditions in the EPZs, has discouraged union activity. The short-term nature of employment and relatively young workforce in the zones makes it difficult to organize. Work councils in the EPZs are chaired by the Government's Board of Investment (BOI) and only have the power to make recommendations. Labor representatives also allege that the Labor Commissioner, under BOI pressure, has failed to prosecute employers who refuse to recognize or enter into collective bargaining with trade unions. While employers in the EPZs generally offer higher wages and better working conditions than employers elsewhere, workers face other concerns, such as security, expensive but low quality boarding houses, and sexual harassment. In most instances, wage boards establish minimum wages and conditions of employment, except in the EPZs, where wages and work conditions are set by the BOI.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, there were reports that such practices occurred. ILO Convention 105 was not ratified yet by the end of September. The law does not prohibit forced or bonded labor by children specifically, but government officials interpret it as applying to persons of all ages (*see* Section 6.d.). There were credible reports that some rural children were employed in debt bondage as domestic servants in urban households, and there were numerous reports that some of these children had been abused.

There were credible reports that some soldiers attached to an army camp north of Batticaloa forced local villagers to build a wall around the camp during 2000, and that they beat individuals who refused to comply. The military apparently transferred the officer responsible for the forced labor when the abuse was publicized.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits labor by children under 14 years of age, but child labor is a problem and still exists in the informal sectors. The NCPA combats the problem of child abuse, including unlawful child labor. The act consolidated existing legislation that established what types of employment are restricted for children, which age groups are affected. The Ministry of Labor is the competent authority to set regulations and carry out implementation, and monitoring. The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited work. The law permits the employment of persons from the age of 14 for not more than one hour on any day before school. However, the Trade Union Ordinance of 1935 allows membership only from the age of 16. The law also permits employment in any school or institution for training purposes. The Compulsory Attendance at Schools Act, which requires children between the ages of 5 and 14 to attend school, has been in effect since January 1998, although it still is being implemented. Despite legislation, child labor still exists in the informal sector. A child activity survey carried out in 1998 and 1999 by the Department of Census and Statistics found almost 11,000 children between the ages of 5 and 14 working full time and another 15,000 engaged in both economic activity and housekeeping. The survey found 450,000 children employed by their families in seasonal agricultural work.

Persons under age 16 may not be employed in any public enterprise in which life or limb is endangered. There are no reports that children are employed in the EPZs, the garment industry, or any other export industry, although children sometimes are employed during harvest periods in the plantation sectors and in nonplantation agriculture.

Many thousands of children were believed to be employed in domestic service, although this situation is not regulated or documented. A 1997 study reported that child domestic servants are employed in 8.6 percent of homes in the Southern Province. The same study reported that child laborers in the domestic service sector

often are deprived of an education. Many child domestics reportedly are subjected to physical, sexual, and emotional abuse.

Regular employment of children also occurs in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. Government inspections have been unable to eliminate these forms of child labor (*see* Section 5), although an awareness campaign coupled with the establishment of hot lines for reporting child labor has led to an increase in the prosecutions regarding child labor violations by the Labor Department. The Labor Department reported 194 complaints regarding child labor in 2000, with 79 of these cases withdrawn due to lack of evidence or faulty complaints. The Department prosecuted 7 cases in 2000. In the first 8 months of the year, the Labor Department reported 199 complaints, with 48 cases withdrawn and 40 prosecuted. According to the Ministry of Labor, there were 10 prosecutions for child labor (below the age of 14) during 2000. Under legislation dating from 1956, the maximum penalty for employing minors is about $12 (1,000 rupees), with a maximum jail term of 6 months.

Although forced or bonded labor by persons of any age is prohibited by law, some rural children reportedly have served in debt bondage (*see* Sections 5 and 6.c.).

The LTTE continued to use high school-age children for work as cooks, messengers, and clerks. In some cases, the children reportedly help build fortifications. In the past, children as young as age 10 were said to be recruited and placed for 2 to 4 years in special schools that provided them with a mixture of LTTE ideology and formal education. The LTTE uses children as young as 13 years of age in battle, and children sometimes are recruited forcibly into the LTTE (*see* Section 5). A program of compulsory physical training, including mock military drills, for most of the population of the areas that it controls, including for schoolchildren and the aged reportedly still functions. According to LTTE spokesmen, this work is meant to keep the population fit; however, it is believed widely that the training was established to gain tighter control over the population and to provide a base for recruiting fighters. Despite repeated claims to the contrary by the LTTE, there were credible reports that the LTTE continued to recruit forcibly children throughout the year. Individuals or small groups of children intermittently turned themselves over to security forces or religious leaders saying they had escaped LTTE training camps throughout the year. During August and September, the LTTE handed over 85 children to UNICEF, stating that the children had volunteered to serve, but that the LTTE does not accept children.

e. Acceptable Conditions of Work.—The national minimum wage does not provide a decent standard of living for a worker and family, but the vast majority of families have more than one breadwinner. The Ministry of Labor effectively enforces the minimum wage law for large companies through routine inspections; however, staffing shortages prevent the department from effectively monitoring the informal sector. While there is no universal national minimum wage, approximately 40 wage boards set minimum wages and working conditions by sector and industry. In 2001 minimum wage rates averaged approximately $29.38 (2,625 rupees) per month in industry, commerce, and the service sector. The rate was approximately $1.38 (104.53 rupees) per day in agriculture. The minimum wage in the garment industry was $25.73 (2,300 rupees) per month.

Most permanent full-time workers are covered by laws that prohibit them from regularly working more than 45 hours per week (a 5½-day workweek). Overtime is limited to 60 hours per month under a recent ruling. Labor organizers are concerned that the new legislation does not include a provision for overtime to be done with the consent of the worker. Such workers also receive 14 days of annual leave, 14 to 21 days of medical leave, and approximately 20 local holidays each year. Maternity leave is available for permanent and seasonal or part-time female workers. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors is inadequate to enforce compliance with the laws. Health and safety regulations do not meet international standards. Workers have the statutory right to remove themselves from situations that endanger their health, but many workers are unaware of, or indifferent to, health risks, and fear that they would lose their jobs if they removed themselves.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, Sri Lanka is a country of origin and destination for trafficked persons, primarily women and children for the purposes of forced labor, and for sexual exploitation. Sri Lankan women travel to Middle Eastern countries to work as domestics and some have reported being forced into domestic servitude and sexual exploitation. A small number of Thai, Russian, and Chinese women have been trafficked to Sri Lanka for purposes of sexual exploitation. Some Sri Lankan children are trafficked internally

to work as domestics and for sexual exploitation. There were unconfirmed reports that boys were trafficked to the Middle East as camel jockeys.

The law provide for penalties for trafficking in women including imprisonment for 2 to 20 years, and a fine. For trafficking in children, the law allows imprisonment of 5 to 20 years, and a fine.

Internal trafficking in male children was also a problem, especially from areas bordering the northern and eastern provinces. Protecting Environment and Children Everywhere (PEACE), a domestic NGO, estimated that in 2001 there were at least 5,000 male children between the ages of 8 and 15 years who were engaged as sex workers both at beach and mountain resorts. Some of these children were forced into prostitution by their parents or by organized crime (*see* Section 5). PEACE also reports that an additional 7,000 young men aged 15 to 18 years are self-employed prostitutes; however, some organizations believe the PEACE numbers to be inflated.

The Government took action during 2001 to prepare a national plan to combat the trafficking of children. The project was part of a regional project funded by the ILO. On a local level, on October 1, the police opened an office to work as part of the NCPA in children's issues, including trafficking in children.

The country has a reputation as a destination for foreign pedophiles. Officials believe that approximately 30 percent of the clients were tourists and 70 percent are locals. The Government occasionally prosecuted foreign pedophiles, and there have been some convictions; however there were no such convictions during the year. Many NGOs attribute the problem of child exploitation to a lack of law enforcement. There was evidence of continuing, but reduced, international interest in Sri Lankan children for the sex trade as evidenced in tourism by foreign pedophiles, and in Internet sites featuring child pornography involving the country's children.

The Government has undertaken several initiatives to provide protection and services to victims of internal trafficking, including supporting rehabilitation camps for victims. In addition, the Government has initiated some awareness campaigns to educate women about the dangers of trafficking; however, most of the campaigns are through local and international NGOs and somewhat through the Bureau of Foreign employment.

WESTERN HEMISPHERE

ANTIGUA AND BARBUDA

Antigua and Barbuda is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a bicameral legislative assembly composed the Government. A Governor General, appointed by the British monarch, was the titular head of state, with largely ceremonial powers. Prime Minister Lester B. Bird's Antigua Labour Party (ALP) has controlled the Government and Parliament since 1976. In the 1999 elections, which observers described as free but not fair, the ALP retained power by winning 12 of 17 parliamentary seats. The Constitution provides for an independent judiciary.

Security forces consisted of a police force and the small Antigua and Barbuda Defense Force. The police were organized, trained, and supervised according to British law enforcement practices. The civilian authorities generally maintained effective control of the security forces. There were reports of occasional instances of excessive use of force by the police and prison guards.

The country had a mixed economy with a strong private sector. The population was approximately 76,000. Tourism was the most important source of foreign exchange earnings. Economic activity in the first quarter expanded relative to the same period in 2001 due to increased activity in the construction, communication, and government services sectors. The country was burdened by a large and growing external debt, which remained a serious economic problem. Economic growth slowed to 1.5 percent in 2001 from 2.5 percent in 2000. The unemployment rate was 11 percent at the end of 2001.

The Government generally respected the human rights of its citizens; however, problems remained in several areas. There were reports of a killing in custody and of police brutality. Prison conditions were poor, and there were allegations of abuse of prison inmates and sexual harassment of female prison guards. Opposition parties had greater opportunities to express their views through a radio station that started operations in 2001; however, the radio station owners continued to report efforts by the Government to limit their access to the public. Societal discrimination and violence against women continued to be problems. Antigua and Barbuda was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—In May police shot and killed Andy "Natty Rough" Francis, who had been held more than 48 hours without being charged, when he attempted to escape the police station. His brother, Richard Williams, who was a prisoner, was denied permission to attend the funeral or view the body. The assistant police commissioner and three other police officers investigated the shooting; in addition, the Ministry of Public Security appointed a two-man commission to investigate. The Commission recommended a formal coroner's inquest, which could compel witness testimony, and also noted discrepancies in the police account of events.

In September Glen Harper died at his home in the Gambles area while police were attempting to subdue him after he beat his father unconscious. According to newspaper reports, Harper attacked the officers and almost bit off the finger of one of the officers. A post mortem revealed that Harper died as a result of a fractured spine after reportedly throwing himself against the wall and veranda of the house. The Director of Public Prosecutions (DPP) requested a formal coroner's inquest, which had not taken place by year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and the authorities generally respected these prohibitions in practice; however, there were occasional reports of police brutality and threatening behavior and allegations of abuse by prison guards.

In October a court found police Corporal Clarence Francis guilty on charges of shooting and wounding Gerald Collymore Horsford in December 2000 and sentenced him to 9 months in jail.

Prison conditions were poor. Conditions at the lone, 18th century prison worsened considerably after a fire destroyed most of the facility in 1999. The prison remained overcrowded, with 146 prisoners. Prison conditions were unsanitary and inadequate, particularly in regard to recreation and rehabilitation, but the Government asserted that an inspection in June 2001 by the United Kingdom's Inspectorate of Prisons had not found the prison or the food unsanitary. A followup inspection was conducted in November. The Rehabilitation Center for prisoners found guilty of committing minor crimes held seven male prisoners at year's end.

Pretrial detainees were not held together with convicted prisoners.

In July the Government established a task force to investigate and report any inappropriate behavior by management and staff at the prison during the previous 6 months and to investigate allegations of sexual harassment among prison staff and prisoners. Task force members included the Medical Superintendent at the Mental Hospital, a retired High Court Judge, a Senior Foreign Affairs Officer, and a retired Senior Probation Officer. While the Government did not make the report public, in September the Outlet newspaper reported that it called for the Prison Superintendent to step down, citing claims by female prison officers that the Prison Superintendent had harassed them sexually, which the superintendent denied. According to the newspaper, the task force also criticized prison management for causing resentment and morale problems among staff by favoring younger officers over more experienced officers and for not adequately investigating allegations that a prison guard was involved sexually with an inmate. The Labor Ministry's Permanent Secretary declined to take action on the task force report, based on an analysis by the Labor Commissioner that it lacked sufficient evidence to support its recommendation that the Prison Superintendent be discharged.

The women's prison facility was separate and did not experience the problems encountered in the men's prison. There was no separate facility for juveniles, who were housed with adult inmates.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally respected these prohibitions in practice.

Criminal defendants had the right to a judicial determination of the legality of their detention. The police must bring detainees before a court within 48 hours of arrest or detention. However, members of the opposition United Progressive Party (UPP) asserted that there were instances where this was violated, particularly on Thursdays or Fridays, and that increasingly, arresting and detention officers were unavailable to arrange bail or to expedite the process of releasing detainees. The press reported that Andy Francis was held more than 48 hours without charges (*see* Section 1.a.).

The law prohibits forced exile, and the Government did not use it in practice.

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

The judicial system is part of the Eastern Caribbean legal system and reflects historical ties to the United Kingdom. The Constitution designates the Privy Council in London as the final court of appeal, which always is employed in the case of death sentences. There were no military or political courts.

The Constitution provides that criminal defendants should receive a fair, open, and public trial. In capital cases only, the Government provided legal assistance at public expense to persons without the means to retain a private attorney. Courts can reach verdicts quickly, with some cases coming to conclusion in a matter of days.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and government authorities generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, of the press, and other forms of communication, and the authorities generally respected these provisions in practice. Privately owned print media, including daily and weekly newspapers, were active and offered a range of opinion, often publishing vigorous criticism of the Government. However, the Government restricted opposition parties' access to electronic media, effectively denying them equal coverage.

The Government owned one of the three general interest radio stations and the single television station. A religious station broadcast without impediment. One of the Prime Minister's brothers owned the second radio station, and another brother was the principal owner of the sole cable television company. The Government-controlled media reported regularly on the activities of the Government and the ruling party but limited their coverage of and access by opposition parties.

In April 2001, the country's first independent broadcast media, the Observer radio station, became operational. Permission to operate the station was granted only after the United Kingdom Privy Council upheld the owners' suit against the Government for denying an operating license. This radio station, operated by the owners of the Observer newspaper, was accessible to political and religious groups of all persuasions, and was utilized occasionally by the Government. The opposition accused the Government of trying to marginalize the Observer radio station by refusing to grant it duty free concessions; ZDK Radio, which is owned by members of the Prime Minister's family, received such concessions. The opposition UPP, which publishes the Crusader newspaper, also applied for and received a radio license in 2001; however, the station had not begun operations at year's end.

The Government continued to restrict the opposition's access to the media, and there continued to be allegations of censorship as the result of subtle coercive pressure by influential persons. For example, owners of the Observer radio station claimed that several large corporations declined to advertise on the station for fear of losing lucrative government contracts. In addition, the Government, citing violations of the Telecommunications Act, revoked the owners' license to operate satellite transmission equipment and seized the equipment. At year's end, the Government withdrew individual charges against the owner but continued to press charges against the company.

Journalists and media houses continued to report efforts by the Government to restrict coverage of alleged government scandals. In February the Government asked Julius Gittens, a Barbadian journalist hired to help in the start-up phase of the Observer radio station, to leave the country on the basis that he had failed to follow the proper procedures to secure a work permit. Radio station personnel alleged that Gittens was asked to leave because the station had called for public inquiries into alleged government scandals. According to Gittens, government authorities told him he was not eligible to reapply for a new work permit on the basis of a nonpublished government ruling that limits work permits to no more than two nonnationals in any media house; he would be the third nonnational at Observer radio.

In August two separate fires interrupted the operations of ZDK Radio and the cable television station, both owned by members of the Prime Minister's family.

In May a lone masked assailant shot and killed the 1-year-old son of fire fighter Eldred Jacobs in a brutal attack at his home that wounded Jacobs and other family members. The newspapers reported that Jacobs, recently transferred from police headquarters, had made a call to an Observer radio program that was intercepted. According to the press reports, Jacobs was accused of saying that he believed in the veracity of allegations of criminal wrongdoing made against the Prime Minister, and that the police would not arrest the Prime Minister because they too were implicated. The radio station owners reported that, to their knowledge, no such call came into the station. The DPP questioned the accuracy of the press report but said he would ask for an inquest into the matter.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly. The police generally issued the required permits for public meetings but sometimes denied them to avert violent confrontations. The opposition held several demonstrations during the year to protest government policies and alleged government scandals. There were no reports of police interference with these demonstrations.

A court dismissed the Government's case against 10 of the residents of Bendals arrested in a protest demonstration in 2001 over threats to public health caused by

the operation of nearby quarries; however, the case against the group's chairman and one other protester remained in the courts at year's end.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

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

Members of the Rastafarian community complained that law enforcement officials unfairly targeted them. However, it was not clear whether such complaints reflected discrimination on the basis of religious belief by the authorities or simply enforcement of the laws against marijuana, which was used as part of Rastafarian religious practice.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

The Government assessed all claims by refugees under the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides for a multiparty political system accommodating a wide spectrum of political viewpoints. All citizens 18 years of age and older may register and vote by secret ballot. The Constitution requires general elections at least every 5 years; the last general elections were held in 1999. The Commonwealth observer group that monitored those elections reported irregularities in the electoral process and assessed the elections as free but not fair. The Governor General appoints the senators in proportion to the parties' representation in Parliament and with the advice of the Prime Minister and the leader of the opposition.

In the 1999 elections, the Antigua Labour Party retained power by winning 12 of 17 parliamentary seats, 2 more than it had won in the previous elections in 1994. Except for a period in opposition from 1971–76, the ALP has held power continuously since 1951. The opposition charged that the ALP's longstanding monopoly on patronage and its influence over access to economic opportunities made it extremely difficult for opposition parties to attract membership and financial support. In 1992 public concern over corruption in government led to the merger of three opposition political parties into the UPP.

The Commonwealth report indicated that for the 1999 elections, the voters' register stood at 52,348 voters, of a total population of approximately 69,000 persons. Since 40 percent of the population were estimated to be below voting age, the voting rolls appeared to be inflated. According to the observer group, the weeklong voter registration appeared too restrictive and potentially disfranchised citizens, such as persons who would reach the voting age of 18 after July but before the elections. The observer group also recommended the establishment of an independent electoral commission to improve the voter registration process. In December 2001, Parliament amended the Representation of the People Act to provide for year-round registration to be effective after a new list of voters was compiled. In December the deadline to compile the new voters' list was extended to March 2003.

On April 4, the Government appointed the new Electoral Commission, which includes five members; three of the commission members (including the Chairman) were nominated by the Prime Minister and two were nominated by the opposition party. In November the opposition members walked out to protest the appointment of the Elections Supervisor, depriving the commission of a quorum and shutting down its operations. At year's end, a compromise was reached with the assistance of the Ombudsman, and it was agreed that the commission would start up again in early 2003. The Supervisor of Elections, as distinguished from the Chairman of the Electoral Commission, manages the office staff; the Electoral Commission sets policy.

There were no impediments to participation by women in government and politics. The Directorate of Gender Affairs participated in workshops to encourage women to become active in politics. There were no women elected to the 17-seat House of Representatives; there was 1 woman in the 17-seat Senate. In addition, the Speaker of the House of Representatives and the President of the Senate, both appointed positions, were women. The Attorney General, a Guyanese national resident in Antigua, was the only woman in the Cabinet.

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

There were no governmental restrictions on the formation of local human rights organizations. The Antigua and Barbuda Human Rights Association, chaired by a lecturer at the University of the West Indies, met sporadically. It represented individuals and groups who claimed that their rights had been violated.

The Government's Ombudsman has reviewed an increasing number of cases annually. The Ombudsman is chosen by both houses of Parliament; a resolution sets the length of his term. The current Ombudsman's term is 10 years or until age 70, whichever comes first. The office of the Ombudsman operates independently of the judiciary and the Director of Public Prosecutions; however, recommendations for trial must be approved by the DPP. The Ombudsman's office has the authority to pursue a recommendation through the ministry involved, directly with the Prime Minister, and ultimately may take the matter to Parliament. The Ombudsman, Hayden Thomas, reported that 90 percent of the cases he pursued were resolved successfully by contact with the concerned ministries. The Ombudsman makes recommendations to the Government based on investigations into citizens' complaints; however, the ministries were often slow to implement his recommendations.

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

The law prohibits discrimination based on race, sex, creed, language, or social status, and the Government generally respected these provisions in practice.

Women.—Violence against women was treated as a matter of public concern, and nongovernmental social welfare groups focused on the problem. Women in many cases were reluctant to testify against their abusers. A 1999 Domestic Violence Act prohibits and provides penalties for domestic violence, as well as rape and other sexual offenses. Organizations such as the Government's Directorate of Gender Affairs sought to increase women's awareness of their rights under the law in cases of domestic violence. The Directorate of Gender Affairs instituted a domestic violence program that included training for police officers, magistrates, and judges. The Directorate also ran a domestic abuse hot line and worked with a nongovernmental organization to provide safe havens for abused women and children. There were a number of active nongovernmental organizations that addressed issues affecting women.

Prostitution is prohibited, but it was a problem.

Sexual harassment is illegal, but it was rarely prosecuted. According to the Labor Department, there was a high incidence of sexual harassment reported by employees in both the private and public sectors.

While the role of women in society is not restricted legally, economic conditions in rural areas tended to limit women to home and family, although some women worked as domestics, in agriculture, or in the large tourism sector. Women were well represented in the public sector; 54 percent of the public service and over half the Permanent Secretaries were female. In addition, 41 percent of the bar association members were female.

The Professional Organization for Women of Antigua was a networking and resource group for female executives. It held seminars for women entering the workforce during the year.

Children.—While the Government repeatedly expressed its commitment to children's rights, its efforts to protect those rights in practice were limited. The Government provided education for children through the age of 16; it was free, universal, and compulsory. Children had access to health care and other public services.

Child abuse remained a problem. The age of consent is 16 years old. In August 2001, the police uncovered a child pornography and prostitution ring, and high-ranking members of society reportedly were implicated. A task force with representatives from both the Government and nongovernmental sectors was created to investigate the matter, but no cases had been successfully prosecuted by the end of the year. Several were dismissed because the complainant failed to appear.

In 2000 the Government established a committee to implement the U.N. Convention on the Rights of the Child. In addition, the Government joined the Global Movement for Children. UNICEF helped support a study of the needs of children and families, and its recommendations were being used to develop a National Plan of Action on Child Survival, Development, and Protection.

Persons with Disabilities.—No specific laws mandate accessibility for persons with disabilities, but constitutional provisions prohibit discrimination against the physically disabled in employment and education. There was no evidence of widespread discrimination against persons with disabilities, although the Government did not enforce the constitutional antidiscrimination provisions. There was one complaint

that a person was not hired due to a disability; the Labor Commission had the matter under review at year's end.

Section 6. Worker Rights

a. The Right of Association.—Workers had the right to associate freely and to form labor unions. Approximately 75 percent of workers belonged to a union, and the hotel industry was heavily unionized. There were two major trade unions: The Antigua and Barbuda Trades and Labour Union (ATLU) and the Antigua and Barbuda Workers' Union (AWU). The ATLU was associated with the ruling ALP, while the larger and more active AWU was allied rather loosely with the opposition.

The law prohibits antiunion discrimination. During the year, there were two reports of antiunion discrimination but, after investigating, the Labor Commission determined that the charges had not been proved. The Labor Commission can require that employers and employees submit to mediation if antiunion discrimination is alleged. However, the mediator's recommendations are not binding, and either party may seek recourse to the courts. Employers found guilty of antiunion discrimination were not required to rehire employees fired for union activities.

Unions were free to affiliate with international labor organizations, and they did so in practice.

b. The Right to Organize and Bargain Collectively.—Labor organizations were free to organize and bargain collectively.

The Labor Code recognizes the right to strike, but the Industrial Relations Court may limit this right in a given dispute. Workers who provide essential services (including bus, telephone, port, and petroleum workers, in addition to health and safety workers) must give 21 days' notice of intent to strike. Once either party to a dispute requests that the court mediate, strikes are then prohibited under penalty of imprisonment. Because of the delays associated with this process, unions often resolved labor disputes before a strike was called. In addition, an injunction may be issued against a legal strike when the national interest is threatened or affected. The International Labor Organization's Committee of Experts repeatedly requested the Government to amend certain paragraphs of the 1976 Industrial Courts Act and the extensive list of essential services in the Labor Code, asserting that these provisions could be applied to prohibit the right to strike. During the year, there were seven strikes or work-related protests, including a strike against a government-owned utility company and one involving the seaport. The Education Ministry intervened in the teachers' disputes; the Labor Ministry intervened in the other cases, and the workers returned to work.

There were no export processing zones, but there were free trade zones that facilitated services such as international banking and gambling. The Labor Code applied equally to workers in these zones as elsewhere in the country.

c. Prohibition of Forced or Bonded Labor.—The Constitution forbids slavery and forced labor, including that by children, and they did not exist in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law stipulates a minimum working age of 16 years, which corresponds with the provisions of the Education Act. In addition, persons under 18 years of age must have a medical clearance to work. The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, effectively enforced this law. The Labor Commissioner's Office also had an Inspectorate that investigated exploitative child labor matters. There was one report of a minimum age employment violation; the Labor Commission discussed the matter with both the employer and the employee, and the under-age employee stopped working.

e. Acceptable Conditions of Work.—The Labor Code provides that the Minister of Labor can issue orders, which have the force of law, to establish a minimum wage. During the year a tripartite committee of representatives from employers, employees, and government met and recommended changes to the minimum wage. In December the Minister of Labor increased the minimum wage and set it at $2.22 (EC$6.00) an hour for all categories of labor. The minimum wage provided a barely adequate standard of living for a worker and family, and in practice the great majority of workers earned substantially more than the minimum wage.

The law provides that workers are not required to work more than a 48-hour, 6-day workweek, but in practice the standard workweek was 40 hours in 5 days. The law stipulates that workers receive a minimum of 12 days of annual leave. The law requires employers to provide maternity leave with 40 percent of wages for 6 weeks of leave, while social service programs provide the remaining 60 percent of wages. The employer's obligation ends after the first 6 weeks, but social services continue to pay 60 percent of wages for an additional 7 weeks, for a total of 13 weeks.

The Government has not yet developed occupational health and safety laws or regulations, but a section of the Labor Code includes some provisions regarding occupational safety and health. Plans to incorporate comprehensive legislation on safety, health, and the welfare of workers into the existing Labor Code have not been implemented. The Government was exploring alternative sources of funding to purchase health and safety equipment. Although not specifically provided for by law, workers may leave a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons.—There were no laws that specifically address trafficking in persons. At year's end, official investigations were in progress to determine whether illegal aliens had been trafficked from the country to the United States in 2000 and 2001.

ARGENTINA

Argentina is a federal constitutional democracy with an executive branch headed by an elected president, a bicameral legislature, and a separate judiciary. In 1999 voters elected President Fernando de la Rua in generally free and fair elections. After protests in December 2001, de la Rua resigned and was succeeded briefly by three interim presidents before the Legislative Assembly elected Eduardo Duhalde to serve out the remainder of the de la Rua term. The Constitution provides for an independent judiciary, but judges and judicial staff were inefficient and at times subject to political influence.

The President is the constitutional commander-in-chief, and a civilian Defense Minister oversees the armed forces. Several agencies share responsibility for maintaining law and order. The Federal Police (PFA) report to the Ministry of Justice, Security, and Human Rights, as do the Border Police ("Gendarmeria") and Coast Guard. The PFA has jurisdiction in the Federal Capital and over federal crimes in the provinces. Provincial police are subordinate to the provincial governors. Some members of the security forces committed human rights abuses.

The country has a market-based mixed agricultural, industrial, and service economy and a population of approximately 36.2 million. A recession that began in 1998 deepened, and production and consumption dropped sharply after the banking system was paralyzed, the Government defaulted on loan obligations, and the local currency—uncoupled from the dollar—lost 70 percent of its value. Per capita gross domestic product dropped from $7,418 in 2001 to approximately $2,700, and unemployment rose to 21.5 percent. Income disparities increased, and over 50 percent of the population lived below the poverty line.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were instances of killings, torture, and brutality by police and prison officials. Authorities prosecuted some police for such actions, although impunity continued, particularly in jails and prisons. Police corruption was a problem. Police used excessive force against demonstrators on several occasions. Overcrowding in jails and prisons was a problem. Provincial police sometimes arbitrarily arrested and detained citizens. The judiciary showed clear signs of politicization. The judiciary continued to work through the legacy of human rights abuses of the "dirty war" of the 1976–83 military regime. Anti-Semitism remained a problem; however, the Government took steps to combat it. Domestic violence against women was a problem. Discrimination against racial and ethnic minorities persisted. Child labor was a problem. Argentina was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of politically motivated killings; however, police and prison officers were responsible for a number of killings involving the use of unwarranted or excessive force. The authorities investigated and in some cases detained, tried, and convicted the officers involved; however, impunity for those who committed abuses was sometimes a problem.

There were a number of killings, including prison killings with suspected official involvement, killings at the time of apprehension, killings of demonstrators, and killings by stray bullets.

On June 18, Daniel Chocobar died after being attacked by another prisoner the previous day. Chocobar had been transferred to Prison Unit 9 of La Plata, Buenos

Aires, after having denounced mistreatment in 2001 in General Alvear prison, where other prisoners subsequently reported that officials offered them incentives to kill Chocobar (*see* Section 1.c). Chocobar's death followed that of at least four other prisoners who had filed complaints or served as witnesses against prison mistreatment.

On June 26, Dario Santillan and Maximiliano Kosteki were shot and killed following a confrontation between police and roadblock demonstrators in the Buenos Aires suburb of Avellaneda (*see* Sections 1.c. and 2.b.).

On September 14, Roque Sebastian Villagra was killed by Federal Police in Buenos Aires. The police initially reported that Villagra was killed while resisting arrest; however, an autopsy later determined that Villagra, who had a police record, was shot in the back of the neck at close range. Three police were under preventive detention at the end of the year.

Also on September 14, Federal Police agents forced three youths to jump into the Riachuelo river. One of the youths, 19-year-old Ezequiel Demonty, drowned. An autopsy showed Demonty, who had a hearing disability, received blows in the face and head prior to his drowning. Nine police were detained and charged with "illegal deprivation of liberty followed by death," although the case initially was filed as "torture followed by death." At year's end, the case had not come to trial.

Of the estimated 27 deaths that occurred in relation to the December 2001 store lootings and demonstrations, at least 5 in the city of Buenos Aires, 3 in Rosario and 1 in Santa Fe appeared attributable to police, according to information compiled by the Center for Legal and Social Studies (CELS). In the case of the five demonstrators killed in downtown Buenos Aires, an investigation began shortly after the events. A federal judge ordered the arrest of the former Minister of Interior, the Secretary of Interior, and various other officials. The two political level officials were released, although not exonerated, approximately 5 months later at the order of a higher court, which also ordered that the former Minister and the former President be questioned in the continuing investigation. Judge Oswaldo Barbero's investigation into the deaths that occurred in Rosario remained pending at year's end.

The policeman whose personal weapon fired the bullet that killed bystander Edith Acevedo in El Talar, Buenos Aires Province, in March 2001, was convicted of homicide on November 7. The judge suspended his sentence of 3 years and released him after he had spent over 18 months under detention pending trial.

Two police officers were charged in the case of the April 2001 killings of minors Gaston Galvan and Miguel Burgos whose bodies with hands and feet tied had been found with multiple gunshot wounds on a roadside in Tigre, Buenos Aires Province: One of the officers was in jail and the other was a fugitive. Two other officers from the same suspected group—which some human rights groups considered a death squad—were under detention for the killings of other minors. The deaths of 64 minors who were killed in supposed confrontations with police in Buenos Aires Province during 1999 and 2000 remained under investigation by the Attorney General. In March the Attorney General made public the first report on his investigation into the suspicious deaths of minors, including a list of 15 police officers suspected of involvement.

There was no new information on the investigations in: The March 2001 shooting death of 16-year-old Martin Gonzalez in Tigre, Buenos Aires Province (with suspected involvement of a policeman) or the June 2001 deaths of Carlos Santillan and Oscar Barrios (apparently related to confrontations between police and roadblock protesters).

On March 14, Cordoba's general prosecutor closed the investigations into the 2000 death of Vanesa Lorena Ledesma, a transvestite who died after 5 days under detention for a bar fight, concluding that Ledesma died of natural causes related to a congenital heart anomaly.

In June a court convicted policeman Francisco David Bravo of homicide in the line of duty in the 2000 death of Juan Marcelo Carunchio in Cordoba. The court sentenced him to 2 years and 6 months, which was suspended and prohibited him from working as a police officer for 5 years. The court ordered police and provincial government to pay an indemnity to Carunchio's family.

In October a former Caseros prison guard was convicted of homicide and sentenced to 20 years for the 2000 restaurant killing in which Maximiliano Noguera allegedly participated with the connivance of penitentiary staff. Another Caseros prison inmate was sentenced to 8 years for the associated robbery.

A policeman, Felipe Gil, was under detention and awaiting trial for homicide in the deaths of Jose Zambrano and Pablo Rodriguez in Mendoza Province in 2000. Several police who were detained in a related corruption case were later exonerated.

There was no new information on the killings in 2000 of Manuel Fernandez in Jujuy, Jorge Marcelo Gonzalez in Corrientes, or Anibal Veron in Salta.

A trial of police officers suspected of killing two hostages as well as a robber in the 1999 Villa Ramallo bank robbery—which some believe was done to hide possible police involvement in the robbery—remained pending at year's end. A trial for the robbery itself ended in September with several convictions, including that of one policeman.

The investigation continued into the 1994 terrorist bombing of the Buenos Aires Jewish Community Center (AMIA) in which 85 persons were killed. The trial of 20 suspects (15 of whom are former police officers) accused of providing material support for the attack began in September 2001 and continued at year's end (*see* Section 5).

Courts continued to challenge the "Due Obedience" and "Full Stop" amnesty laws and pardons that benefited those suspected of having committed human rights violations during the 1976–83 military regime. In one such case, Judge Rodolfo Canicoba Corral investigated cooperation among military and security officials of the six participating nations of "Operation Condor." In another case, in July Federal Judge Bonadio ordered the detention of over 40 individuals, mainly former military, intelligence, and police officials, including Leopoldo Galtieri (now deceased) and former generals Cristino Nicolaides and Carlos Suarez Mason. Bonadio was investigating the kidnaping and killing of 18 exiled Montonero guerrillas who had returned to the country for a 1979–80 "counteroffensive." Other prosecutions of "dirty war" era offenses included cases stemming from crimes committed prior to the 1976 military coup, crimes involving theft of detainees' goods, and crimes related to the appropriation of minor children of detainees (*see* Section 1.b.). "Truth Trials" continued and in some cases brought testimony resulting in new court cases challenging the amnesty laws.

The final decision as to the validity of the amnesty laws reached the Supreme Court, after federal judge Gabriel Cavallo declared amnesty laws invalid in March 2001 and an appeals court upheld that decision the following November. Cavallo and the appeals court based their decisions in part on the argument that the crimes at issue were proscribed by international law, which under Argentina's constitution would take precedence over local law (*see* Section 1.b.). In August Attorney General Nicolas Becerra issued an opinion arguing that the Supreme Court should declare the amnesty laws unconstitutional.

Judicial authorities in Spain, Italy, France, Sweden, and Germany sought to prosecute those believed responsible for disappearances and killings during the military regime. In a December 2001 decree, the Government stated that the Foreign Ministry would refuse extradition for acts that occurred in its national territory or under its jurisdiction, confirming a long-held policy. In January the Government rejected Sweden's request for extradition of formal naval officer Alfredo Astiz.

Retired Navy Commander Ricardo Cavallo, arrested in Mexico in 2000, continued legal challenges in Mexico to his extradition to Spain to face charges of genocide, torture and terrorism.

In July Chile rejected Judge Maria Servini de Cubria's request for extradition of six former military and intelligence officials for the 1974 assassination of Chilean general Carlos Prats and his wife in Buenos Aires on the grounds that the extradition request had not included sufficient information to prove the participation of the officials in the crime. In March Chilean courts also rejected the extradition of the former director of the Chilean intelligence agency Manuel Contreras, requested by Judge Canicoba Corral in the Operation Condor investigation for similar reasons.

During the year, 45 Federal Police were killed in the Buenos Aires area: Six were on regular duty, and the others were performing official guard services.

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

Judicial proceedings and extradition attempts related to killings, disappearances, and torture committed by the 1976–83 military regimes continued (*see* Section 1.a.).

The Under Secretariat for Human Rights, which maintains the files of the National Commission on Disappeared Persons (CONADEP), received 9,005 claims for financial compensation from families of those who died or disappeared during the military dictatorship. While some human rights groups claimed that as many as 30,000 persons disappeared, the number of compensation applications suggested that a figure between 10,000 and 15,000 may be more accurate.

At the urging of the human rights organization Grandmothers of the Plaza de Mayo, judicial authorities continued to investigate the kidnaping and illegal adoption by members of the former military regime of children born to detained dissidents. There were an estimated 250 to 300 such cases. The Grandmothers also assisted families in presenting about 200 cases of kidnaped children nationwide and by mid-year had identified 73 children of disappeared persons.

In March Uruguayan Sara Mendez, whose baby was kidnaped while she was detained in a clandestine detention center in Argentina in 1976, was reunited with her 26-year-old son Simon Riquelo.

Francisco Gomez was imprisoned and his wife, Teodora Jofre, placed under house arrest, accused of falsifying documents and appropriating the child of Patricia Roisinblit and Jose Manuel Perez, born while the parents were held in a clandestine detention center. Navy doctor Jorge Luis Magnacco also remained under house arrest for having attended the clandestine births.

A Supreme Court decision was pending in the case of a suspected daughter of a couple who disappeared; the daughter refused a 2000 court order to provide a blood sample for DNA analysis to prove her true identity. The woman said that she will submit the sample voluntarily only if her adoptive parents, who have been detained since 1999 on charges of illegal adoption and substitution of identity, are given immunity.

Many of the military junta leaders sentenced in 1985 to life imprisonment for crimes committed during the military dictatorship, who were pardoned in 1990 and then rearrested in 2000, remained under house arrest.

Despite amnesty laws benefiting those suspected of human rights abuses during the dirty war, since 1995 human rights activists have pursued truth trials, intended to correct official records, especially with regard to the fate of those who disappeared and those born in captivity (*see* Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and the Criminal Code provides penalties for torture similar to those for homicide; however, torture and brutality by police and prison guards remained serious problems. Human rights organizations described widespread police brutality, the use of torture on suspects, and corruption within the prison and police forces. The Government investigated some reports of police or prison brutality, but few cases were tried and even fewer resulted in convictions. In some jurisdictions, such as Mendoza Province and greater Buenos Aires, threats to witnesses and advocates made prosecution of abuses and reform more difficult. A January 2001 report of the U.N. Special Rapporteur on Torture recalled concerns raised in the U.N. Human Rights Commission's October 2000 review under the International Covenant on Civil and Political Rights. In particular, the Rapporteur noted concerns about allegations that torture and excessive use of force by police officials were "a widespread problem and that government mechanisms established to address it are inadequate." The Rapporteur's report also expressed concern about prison conditions and cited specifically "the severe overcrowding and the poor quality of basic necessities and services, including food, clothing and medical care." The report also stated that it had been established that there had been "abuses of authority by prison officials, such as torture and ill-treatment and corruption." A Secretariat for Human Rights for Buenos Aires Province was created in January, with one of its first tasks being development of a Program for the Prevention of Torture.

In 2001 three federal judges strongly criticized "the generalized practice of torture in all its forms in a systematic way, in the area of investigations and the treatment of detainees, especially in the Province of Buenos Aires, where there is a history of authoritarian style state violence." The judges based their report in part on a 2000–01 investigation by public defender Mario Coriolano and noted that few instances of complaints were sustained in courts because of the difficulty of obtaining proof due to witnesses' fear of reprisals.

According to press reports, a study by the National Attorney General's office indicated that of 676 complaints filed in the Federal Capital of Buenos Aires in 2000 for illegal harassment or torture, only 4 public trials were held, and there were no convictions. In the first half of 2001, 271 complaints were filed; 2 trials were held that resulted in 1 conviction. A July 26 report by CELS to the U.N. Special Rapporteur on Torture indicated that the number of complaints for torture of minors under state supervision in Buenos Aires Province more than doubled in the first 6 months of the year over the same period in 2001. In general there was little improvement in the treatment of prisoners, including minors, and impunity for abuses prevailed. Steps were taken that could weaken detection and prosecution, such as placing the Buenos Aires provincial prosecutor rather than the public defender in charge of registering abuses.

On May 10, police in the Buenos Aires suburb of Florencia Varela detained a young couple to "check their records." The two were then beaten. Upon her release, the woman, Andrea Viera, already in poor health, had to be taken to a hospital where she died several days later. An investigation was begun and seven police were detained and are awaiting trial.

According to witnesses and consistent with an autopsy report, Ezequiel Desmonty was beaten by police prior to being forced into a river where he drowned on September 14 (*see* Section 1.a.).

Two police officers were charged in the April 2001 killings in Tigre, Buenos Aires, of two boys whose families had filed torture complaints: One of the officers was in jail, and the other was a fugitive (*see* Section 1.a.).

There was no new information in the two 2001 cases of beating and intimidation of police witnesses who alleged police corruption, involving Adrian Lopez in Mendoza Province and Roberto Lucero and Maria de los Angeles de Romero in Buenos Aires Province.

Five police agents, including a chief, were jailed and face charges for torture in the case of Javier Villanueva, detained in Lomas de Zamora, Buenos Aires Province in October 2001, and later determined by a medical examination to have been subject to torture by electrical shock.

In May a court convicted a policewoman, three other former provincial police, and a member of the national intelligence agency (SIDE) and sentenced them to 3 to 15 years in prison for the 2000 beating of Ariel Simonini in Tres de Febrero, Buenos Aires Province.

There was no further information in Judge Mario Castillo Sola's investigation of the 2000 kidnaping and torture of Aldo Bravo by provincial police of Santiago del Estero or in Judge Hugo Perotti's investigation into the 2000 police beating of Cristian Omar Lopez in Diamante district.

There were numerous charges of police corruption. Police activities were often not well financed and police were not well paid, with a starting monthly salary of $110 (400 pesos) compared with an average worker's earnings of approximately $150 (550 pesos) monthly. A police captain earns approximately $560 (2,000 pesos) monthly. Police often performed official contract guard duty to earn extra money. Police corruption was systemic; some of the most common practices included extortion of and protection for those involved in illegal gambling, prostitution, and auto theft rings, as well as detention and extortion of citizens under the threat of planting evidence to charge them for crimes. Addressing police corruption was difficult in part because the suspects intimidated whistleblowing colleagues, judicial officials, and civilian witnesses. Threats and beatings allegedly aimed to intimidate witnesses were common and, in some cases, occurred in connection with murders believed committed by members of security forces (*see* Section 1.a.).

Provincial police and Federal Border Police clashed with demonstrators on numerous occasions during the year (*see* Section 2.b.). On a number of occasions police used tear gas, water cannons, and rubber bullets to disperse demonstrators, and injuries and deaths were reported. In a confrontation in Buenos Aires Province on June 26, two persons were killed and others were injured (*see* Sections 1.a. and 2.b.).

The investigation into the killing of at least five persons in protests in Buenos Aires in December 2001 continued, and there were a number of detentions made in the case (*see* Sections 1.a., 2.b., and 3.).

In the March 2001 beating of Maria Dolores Gomez, public defender in San Isidro, Buenos Aires Province, investigations failed either to substantiate that the assault on Gomez were related to her work or to corroborate evidence of threats to Gomez. However, the Border Police provided protection to Gomez in response to a request by the Inter-American Commission on Human Rights (*see* Section 1.e.).

There was no known progress in the investigations into the January 2001 explosion that damaged a Shi'a Muslim mosque in Buenos Aires (*see* Section 5) or into the May 2001 attack on the daughter of political activist Hebe de Bonafini in Buenos Aires Province (*see* Section 4).

Prison conditions were poor. Some facilities are old and dilapidated, and many prisons and jails were overcrowded. A notable increase in crime and stricter provisions for early release combined with a slow judicial system to fill prisons and police stations to well above capacity. According to CELS, in Buenos Aires Province (which accounts for over 37 percent of all prisoners nationwide) 24,200 prisoners were held in facilities designed for 15,900, and over 80 percent of those incarcerated were held in pretrial detention. The overcrowding contributed both to security problems—such as jailbreaks and riots—and to mistreatment of prisoners.

Torture and brutality by prison guards and officials remained serious problems. A number of prisoners who had previously filed complaints about torture and mistreatment were killed in prison in 2001 and 2002. After filing a torture complaint at General Alvear Prison in 2001, Daniel Chocobar produced witnesses who testified that prison officials had offered other prisoners benefits in exchange for killing him. Chocobar was transferred but was stabbed by another prisoner at Prison Unit 9 in La Plata on June 17 and died the next day. Several other prisoners, such as Juan

Ramon Gonzalez Sosa, who had testified about mistreatment at General Alvear prison, were also killed under suspicious circumstances in 2001 (*see* Section 1.a). There was no reported serious investigation of these cases by the penitentiary service.

Hernan Larranaga, a prisoner burned in his isolation cell after prison officials were seen carrying a suspicious liquid there in July 2001, survived after months of intensive burn therapy. He remained incarcerated, and there were reports that his life would be under threat in any of the Buenos Aires Penitentiary units. There was no new information on the investigation into the burning.

Corruption among prison guards was a problem. Incidents in various prisons in Buenos Aires Province suggested the existence of a network of prison corruption aimed at retaliating against and silencing prisoners who filed complaints about torture. In a public trial that began in September for the killing of a police officer guarding a restaurant in 1998, a prisoner claimed he was released to commit crimes and shared a portion of the proceeds with prison guards, one of whom was also a participant in the restaurant incident. This case was linked to the 2001 prison guard taping of testimony by prisoner Carlos Sandez Tejada and the suspicious deaths of prisoners Maximiliano Noguera and his former cellmate and witness to prison irregularities, Miguel Angel Arribas (*see* Section 1.a.). The January 2001 report of the U.N. Special Rapporteur for Torture noted concerns about "abuses of authority by prison officials, such as torture and ill treatment, and corruption."

Under national regulations, pretrial prisoners may not be held together with convicted prisoners; however, reliable reports indicate that this segregation of prisoners often was not respected in practice.

The law provides for separate facilities for women and for minors, and these were available.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Penal Code limits the arrest and investigatory power of the police and the judiciary; however, provincial police sometimes ignored these restrictions and arbitrarily arrested and detained citizens. Human rights groups found it difficult to document such incidents and said that victims were reluctant to file complaints because they feared police retaliation or did not believe that their complaints would result in any action.

Police may detain suspects for up to 10 hours without an arrest warrant if the authorities have a well-founded belief that suspects have committed, or are about to commit, a crime, or if they are unable to determine the identity of a suspect. However, human rights groups argued that this provision of law was disregarded in order to extort money from persons by threatening to charge them with illegal weapons or drug possession.

A 2001 law permits the Federal Police to question suspects at the scene of the crime and to hold suspects incommunicado for up to 10 hours. It also gives police additional search powers (*see* Section 1.f.).

The law allows pretrial detention for up to 2 years, and the slow pace of the justice system often resulted in lengthy pretrial detentions (*see* Section 1.e.). If convicted, a prisoner usually receives credit for time already served. According to local authorities, approximately 70 percent of the inmates in the federal prisons of the greater Buenos Aires area were in pretrial detention. The law provides for the right to bail, and it was utilized in practice.

The law does not permit forced exile, and it was not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, while the judiciary is nominally independent and impartial, its judges and judicial personnel were inefficient and at times subject to and apt to exercise political influence. The system was hampered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, and incompetence. Judges have broad discretion as to whether and how to pursue investigations, contributing to a sense that many decisions are arbitrary. Allegations of corruption were reported widely, but only a small number of investigations, judicial impeachment trials, and dismissals of judges actually took place. Allegations of corruption in provincial courts were even more frequent than at the federal level, reflecting strong connections between some governors and judicial powers in their provinces.

Throughout much of the year, the National Congress pursued an effort to impeach all the members of the Supreme Court. Charges against the members ranged from failure to investigate the 1992 bombing of the Israeli Embassy to a broad variety of ethics issues. There was a widespread perception that the impeachment effort was highly politicized. Although the Impeachment Committee of the Chamber of Deputies recommended the impeachment of all nine Justices, the impeachments

were shelved in October when none gained a two-thirds majority in the full Chamber.

There were credible allegations of efforts by members of security forces and others to intimidate the judiciary and witnesses (*see* Sections 1.a., 1.b., and 1.c.).

On June 4, in Villa Carlos Paz, Cordoba Province, teenage Ian Duran was shot to death shortly before he was expected to testify in the investigation into the May murder of Pablo Jossens. In June a detective investigating the Jossens case was also shot to death, and, according to press accounts, the initial prosecutor for the case received threats and turned the case over to another prosecutor. In September Duran's family began receiving death threats, and in November Duran's mother, also a potential witness in the Jossens case, was attacked and told to keep silent. In December the former police chief was taken into custody and charged with secondary participation in the murder of Jossens.

The Government provided a Border Police protection detail for public defender Maria Dolores Gomez, who was beaten and reportedly received threats attributed to prison authorities in March 2001. An investigation into the threats failed to substantiate them (*see* Section 1.c.).

There was no new information in the investigation into the 2000 death threats received by Judge Maria Romilda Servini de Cubria and her judicial secretary Ricardo Parodi, apparently in relation to investigations of kidnaping of children during the dirty war (*see* Section 1.b.). Additional security was provided to them.

The judicial system is divided into federal and provincial courts, each headed by a Supreme Court with chambers of appeal and section courts below it. The federal courts are divided between the criminal courts and economic courts.

The Council of Magistrates submits a slate of candidates for each federal judicial vacancy to the President, whose selection is subject to Senate approval. The Council also conducts impeachment hearings and administers the federal court system. In October there were 93 vacant positions and 67 slates awaiting Executive decisions. Two judges were removed by the Council.

Trials are public, and defendants have the right to legal counsel and to call defense witnesses. A panel of judges decides guilt or innocence. Federal and provincial courts continued the transition to oral trials in criminal cases, instead of the old system of written submissions. However, substantial elements of the old system remain. For example, before the oral part of a trial begins, judges receive pretrial written documentation regarding the case, which, according to prominent legal experts, could bias a judge before oral testimony is heard. Lengthy delays in trials were a problem. The 1994 Constitution provides for trial by jury; however, required implementing legislation has not been passed. There is a provision for counsel for indigents; however, in practice counsel may not always be provided due to a lack of resources.

Several groups expressed concern regarding laws for judicial proceedings regarding minors (*see* Section 5).

Nine of the 11 prisoners convicted in the 1989 assault on the army barracks at La Tablada received conditional liberty in May.

There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the Government generally respected these prohibitions in practice. Violations were subject to legal sanction. In practice local police stopped and searched individuals without probable cause—a practice that increased as crime rates rose.

A 2001 law gave Federal Police new powers, including the power to enter the scene of a search without civilian witnesses in case of danger; to take evidence of a crime found while searching for items related to a different crime; and to search anyone, their belongings and cars, without a court order in order to find items "stemming from or constituting a crime or which could be used to commit one" as long as prior circumstances justify it and they are done in a place that is public or with unrestricted access. The law also provides for expanded powers of detention (*see* Section 1.d.).

A 2001 intelligence law provides for legislative oversight over government intelligence activities and prohibits unauthorized interception of telephone, postal, facsimile, or other voice or image transmissions as well as other kinds of information, files, and private documents. On June 6, the Government issued implementing regulations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

A number of independent newspapers and magazines published freely, and all print media were owned privately. Privately owned radio and television stations broadcast freely. The Federal government owns the Telam wire service, a radio network, and a television station. A few provincial governments also own broadcast media.

There was no information on the status of investigations into the March 2001 delivery of a hand grenade and note to Carlos Abrehu, editor of La Gaceta of Tucuman, or of the shots fired into the homes of radio journalists Edgardo Soto in Santa Rosa and Martin Oeschger in Santa Fe's Capitan Bermudez in February and June 2001, respectively.

In June 2001, the Special Rapporteur for the U.N. Commission on Human Rights visited the Province of Santiago del Estero where daily El Liberal's reproduction of an insulting headline brought an onerous legal challenge by the Women's Branch of the Peronist Party. In his report released on February 25, the Special Rapporteur stated that the right of freedom of opinion and expression was widely respected and realized in the country; however, in the case of Santiago del Estero Province, he expressed deep concern. He urged provincial authorities to find a peaceful settlement to the crisis in which the Government withheld advertising to cripple El Liberal, which had become the target of abuse of executive power.

There was no additional information with respect to reports in 2000 of wiretaps and threats against El Liberal and threats against Cordoba's La Voz del Interior, which had published information about wiretapping and other abuses attributed to the provincial government of Santiago del Estero.

Suspects on trial for the 1999 killing of Ricardo Gangeme in Chubut Province, which some observers believed was related to his writing, were acquitted in a trial that began in August.

The law provides for academic freedom, and the Government did not restrict this right in practice.

b. Freedom of Peaceful Assembly and Association.—The Constitution and the law provide for freedom of assembly, and the Government generally respected this right in practice. There were numerous peaceful protests and demonstrations throughout the country during the year (*see* Section 6.a.). However, on a number of occasions, the security forces used rubber bullets, tear gas, and water cannons to disperse unruly demonstrators, resulting in several deaths and a number of injuries (*see* Section 1.a).

Protest marches, roadblocks, and other demonstrations occurred frequently during the year. Often the protests were related to restrictions on withdrawals from banks and conversion of dollar deposits to pesos, cuts in or late payment of public employees' wages, loss of employment, distribution of public benefit programs, and deterioration of public services. Roadblocks usually carried out by organized groups of the unemployed were common. The vast majority of these protests were carried out peacefully; however, in some cases, there was violence, and clashes occurred between demonstrators and public security forces, which generally used tear gas and rubber bullets to disperse protesters. Demonstrators sometimes were detained, often leading to charges that the Government, whether national or provincial, was "criminalizing" protests.

On June 26, in the Buenos Aires suburb of Avellaneda, a group of several hundred club-wielding demonstrators clashed with provincial police and Naval Prefecture forces. While initially using tear gas and rubber bullets, police forces pursuing demonstrators subsequently used force that resulted in two deaths and numerous injuries. Autopsies on demonstrators Maximiliano Kosteki and Dario Santillan found they were killed by metal shot. Press photos showed police pointing shotguns toward Santillan. In the same clash, it was reported that more than 100 persons were injured by such means as rubber and lead shot and that there were dozens of brief detentions and a search without a warrant of the nearby United Left/Communist Party headquarters (where protesters had taken refuge). An investigation began immediately, and the provincial governor replaced the Security Minister and police officials. A number of police were detained, including the police chief in charge of the operation (*see* Section 1.a.).

The Constitution and the law provide for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution states that the Federal government "sustains the apostolic Roman Catholic faith," and the Government provides the Catholic Church with a variety of subsidies. Other religious faiths were practiced freely.

The Secretariat of Worship in the Ministry of Foreign Relations, International Trade, and Worship is responsible for conducting the Government's relations with the Catholic Church, non-Catholic Christian churches, and other religious organizations in the country. Religious organizations that wish to hold public worship services and to obtain tax exempt status must register with the Secretariat, and must report periodically to the Secretariat in order to maintain their status.

Acts of discrimination and violence against religious minorities, particularly the Jewish and Muslim communities continued to be reported. Combating this and other forms of intolerance was a priority for the National Institute against Discrimination, Xenophobia, and Racism (INADI). The Government continued to support a public dialog to highlight past discrimination and to encourage improved religious tolerance. There were a number of reports of anti-Semitic acts and of threats against Jewish organizations and individuals during the year. The most frequent incidents included the appearance of anti-Semitic and pro-Nazi graffiti and posters in cities throughout the country.

On July 14, some 150 tombs in an Islamic cemetery in the La Matanza district of Buenos Aires Province were attacked. Tombstones were broken and graves disturbed, but no offensive messages or graffiti were found. INADI and predominantly Jewish groups, acting in solidarity with the Islamic community, immediately issued statements repudiating the attacks as discriminatory. The La Matanza prosecutor was charged with the investigation.

On November 8, an anti-tank grenade was found outside a Jewish club in La Plata, Buenos Aires Province. The grenade, which was not equipped to explode, was found in a box along with a note bearing anti-Semitic slogans and a drawing of a swastika.

There was no progress in the investigations into the January 2001 attack on the Shi'a Muslim mosque in Buenos Aires, the bomb threat reportedly received 2 days later by the San Justo Islamic Cultural Center in Buenos Aires, or the April 2001 letter bomb which injured musician Alberto Merenson.

The Government began a Holocaust Education Project, under the auspices of the International Holocaust Education Task Force, which the country joined in June. The Ministry of Education worked to include Holocaust education in primary and secondary schools, and schools now commemorate a national day of tolerance on April 19. The Government renewed the charter of the National Commission for Clarification of Nazi Activities (CEANA), enabling CEANA to continue its investigations and to cooperate in Holocaust education.

The investigation into the 1992 bombing of the Israeli Embassy in Buenos Aires came to a virtual standstill. However, the investigation to find those directly responsible for the 1994 bombing of the AMIA Jewish community center (in which 85 persons died) continued during the year.

The public trial of 20 individuals (including 15 former Buenos Aires Province police officers) accused of providing the vehicle used in the 1994 bombing of the AMIA Jewish community center continued. Since the trial began in September 2001, testimony of over 800 witnesses focussed largely on carefully establishing the facts of the case, particularly the use of a van filled with explosives to carry out the attack (*see* Section 1.a.).

In May the third suspect accused in the 1995 beating of a youth believed to be Jewish surrendered to authorities after failing to appear in the December 2001 trial in which the other two defendants were convicted. In August he was released from detention, and a trial date had not been set by year's end.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and laws provide for these rights, and the Government generally respected them in practice. Protesters frequently blocked roads and streets (*see* Sections 2.b. and 6.a.).

A committee composed of representatives of the Ministries of Justice, Foreign Affairs, and the Interior determines grants of refugee status, using the criteria of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A representative of the U.N. High Commissioner for Refugees may participate in committee hearings, but may not vote. The Government granted refugee status to numerous persons and accepted refugees for resettlement. As of September, 1,500 persons were awaiting decisions on their refugee status requests. During the year, the country received 360 new requests for refugee status from persons from 23 countries, compared with 861 requests received in 2001, 1,320 in 2000, and 1,456 in 1999. The country also implemented a cooperation program with the UNHCR, enabling them to more efficiently examine the large influx of cases in 1999 and 2000. The issue of the provision of first asylum did not arise during the year.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. In 1999 voters elected Fernando de la Rua, leader of the "Alianza" coalition of opposition parties, as president. In national midterm legislative elections in October 2001, the opposition Justicialist party maintained its absolute majority in the Senate and replaced the Alianza as the largest party in the Lower House. This was the first time that the voters directly elected the Senate; previously provincial legislatures elected senators.

On December 20, 2001, after protests, street violence, looting, and deadly confrontations between security forces and demonstrators, President De la Rua resigned. After several short-term interim presidencies, including one lasting 1 week headed by fomer San Luis Governor Adolfo Rodriguez Saa, the legislature selected former Buenos Aires provincial governor Eduardo Duhalde to serve out the remainder of the De la Rua term. In June Duhalde called for presidential elections to be moved forward to allow a new President to take office by May 25, 2003.

The Constitution calls for political parties to implement measures to increase women's representation in elective office. Decrees were issued in 1993 and 2000 effectively resulting in an increase in the representation of women in the national legislature. In the lower chamber, 77 of 257 members were women. In the Senate, there were 24 women among the 72 members. Three cabinet members were women, the Minister of Labor, Employment and Social Security, the Minister of Education, and the Minister of Social Development. There were no female Supreme Court justices, but women were prominent in other levels of the judiciary.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The Government was usually cooperative, although not always responsive to their views.

Among the most active human rights organizations were the Grandmothers of Plaza de Mayo, the Mothers of Plaza de Mayo Founding Line, the Center for Legal and Social Studies, the Permanent Assembly for Human Rights, Service for Peace and Justice, and New Rights of Man.

There were credible allegations of efforts by members of security forces and others to intimidate the judiciary, witnesses, and local human rights organizations (*see* Section 1.e.). For example, in June Daniel Chocobar, a witness to alleged prison guard abuses was killed in prison apparently by another prisoner, but prison official involvement was plausible (*see* Section 1.a.). On September 20, unknown assailants shot into the home of Estela de Carlotto, a well-known leader of the Grandmothers of the Plaza de Mayo. She was not injured in the attack, and the provincial government immediately began an investigation into the attack.

Within the Federal government, the Ministry of Justice, Security and Human Rights' Under Secretariat for Human Rights addresses human rights concerns at a domestic level. Human rights issues at the international level are handled by the Directorate General of Human Rights of the Ministry of Foreign Relations, International Trade, and Worship. The Foreign Ministry passes information on human rights issues raised internationally to the Ministry of Justice, which in turn, coordinates with a network of human rights representatives in the provinces. The Foreign Ministry and Ministry of Justice, Security and Human Rights cooperated with international human rights entities and provided helpful follow up information and assistance on key cases.

Representatives of the Inter-American Commission on Human Rights (IACHR) visited the country from July 29 to August 6. The IACHR representatives noted government efforts to solve amicably pending human rights cases, the deep impact of the social and economic crisis on human rights, the serious lack of confidence in the judiciary, and the need for a well functioning judiciary as a base for the protection of human rights. They also took note of public concern about deterioration in public security and of numerous complaints related to abuses by public security forces. The IAHCR representatives highlighted overcrowding and consequent problems in jails and prisons and encouraged measures adopted by the Buenos Aires provincial government to improve protection of fundamental rights in the province.

A 2000 law calls for the human rights commissions of both chambers to write an annual report on human rights in the country beginning in 2001; the two committees had begun work but had not issued a report by year's end.

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

The Constitution and law provide for equal treatment for all citizens, and the law provides for prison terms of up to 3 years for discrimination based on race, nationality, ideology, political opinion, sex, economic position, social class, or physical characteristics.

INADI is mandated to identify and combat all forms of intolerance in the country. INADI investigates violations of the antidiscrimination law and carries out research and educational programs to promote social and cultural pluralism and combat discriminatory attitudes. After several years of institutional difficulties, the law establishing INADI was amended to provide INADI with greater independence and a budget of its own.

A 2000 Amnesty International (AI) report expressed concern over reports that police targeted, tortured, and harassed gays, lesbians, and bisexuals (*see* Section 1.c.). The report included information regarding the 2000 death in police custody of a transvestite whose body showed signs of torture (*see* Section 1.a.). AI noted that police bylaws and provincial codes of misdemeanors allow police to detain or sanction members of sexual minorities for actions that do not constitute a criminal offense.

Women.—Domestic violence and sexual harassment against women were recognized as serious social problems; however, the lack of official statistics on these crimes made accurate measure of the problems difficult. The Government, through the National Council of Women, implemented a new database system to standardize statistics on domestic violence, permit a more accurate evaluation of the scope of the problem, and promote better public policy. Although no national statistics on domestic violence were available, there were 658 complaints of sexual abuse filed in Buenos Aires in 2001, and experts estimated that only 10 to 20 percent of such incidents were reported.

Any person suffering physical or psychological domestic violence by a family member may file a formal complaint with a judge or police station; the level of injury inflicted determines the punishment under the civil and criminal codes. In addition, the Law on Protection Against Family Violence gives a judge the right to prevent the perpetrator of a violent act from entering the home or place of work of the victim and temporarily to decide issues of family support, child custody, and arrangements for communication with children.

Reliable statistics as to the extent of rape were not available. The crime of rape falls under the Law of Crimes Against Sexual Integrity. Marital rape and acquaintance rape are offenses under the law, if force is involved, but the need for proof, either in the form of clear physical injury or the testimony of a witness, often presented problems. The penalties for rape vary from 6 months to 20 years and depend on the nature of the relationship between the rapist and victim and the physical and mental harm inflicted.

Public and private institutions offered prevention programs and provide support and treatment for women who had been abused, but transitory housing was almost nonexistent. The Buenos Aires municipal government operated a small shelter for battered women and a 24-hour hot line offering support and guidance to victims of violence, but few other shelters exist. NGOs working in the area of women's rights stressed that women often did not have a full understanding of their rights or of what actions could be considered punishable offenses.

Sexual harassment was a serious problem. In 2001 Buenos Aires Province adopted the first law outlawing sexual harassment in provincial agencies. However, women lacked information about what constitutes sexual harassment.

Prostitution is illegal but did occur. Some women have been trafficked to the country for purposes of prostitution in the past (*see* Section 6.f.).

Despite legal prohibitions, women encountered economic discrimination and occupied a disproportionate number of lower paying jobs. Often women were paid less than men for equivalent work, although this is prohibited explicitly by law. Working women also were represented disproportionately in the informal sector, where they did not have the work-related economic and social benefits enjoyed by registered workers.

The National Council of Women, an interagency organization under the authority of the President's Cabinet Chief, carried out programs to promote equal opportunity for women in the social, political, and economic arenas. The Special Agency for Women's Issues, a unit in the Ministry of Foreign Affairs, participated in studying domestic law standards so as to adapt them to the rules of international law. This Agency and the National Council of Women, together with the Labor Ministry and

union and business organizations, formed the Tripartite Committee on Equal Opportunity for Men and Women in the Workplace, which sought to foster equal treatment and opportunities for men and women in the job market.

Children.—The Government voiced strong commitment to issues of children's rights and welfare, including education and health; however, austere federal and provincial budgets meant that programs in these areas received insufficient funding. The Ministry of Justice, Security, and Human Rights' Under Secretariat for Human and Social Rights worked with UNICEF and other international agencies to promote children's rights.

The law requires that all children receive a minimum of 9 years of schooling, beginning at 6 years of age. Education is compulsory, free, and universal for children up to the age of 15; however, adequate schooling is unavailable in some rural areas. A 1999 study by the National Council for Childhood, Adolescence and the Family—an independent government organization reporting to the Ministry of Social Development and Environment—stated that approximately 99 percent of all children of primary school age attended schools, with roughly the same percentages for both genders. There were numerous federal and provincial health care programs for children, although not all children had access to them.

NGOs and church sources indicated that child abuse and prostitution increased, although no corroborating statistics were available. A 2000 UNICEF report stated that sexual exploitation of children was widespread due to police inefficiency and lack of judicial intervention. The children involved usually worked in the same institutions as adults. The National Council for Childhood, Adolescence, and the Family has developed an Action Plan, together with the Attorney General, the Ministry of Justice, Security and Human Rights, the National Council of Women, and UNICEF, on the elimination of child prostitution.

The country's economic crisis disproportionately affected children. Almost 3 out of 4 children under age 12 lived under the official poverty line. Nearly 40 percent of children were considered indigent, as their families did not earn enough to meet their basic food necessities. According to the Center for Studies on Infant Nutrition, malnutrition increased from 11 percent to 20 percent between 2001 and 2002. The public health system did not keep pace with the increased risks. The press reported over 60 deaths of children attributed to malnutrition, and the health minister estimated that some 11,000 children in Argentina die each year from such preventable causes. Schools often had meal programs, and elementary school attendance reportedly remained high even in poor communities. The Government's subsidy program for unemployed heads of households assisted more than 2 million people by year's end. An emergency feeding program was also implemented nationwide. Many school meal programs were kept open over the summer break in order to help ameliorate the situation.

There was a report of an isolated case of two Bolivian children trafficked to the country for labor (*see* Section 6.f.).

UNICEF and the National Council for Childhood, Adolescence and the Family were concerned about existing laws for judicial proceedings regarding minors. Children under the age of 16 have immunity. However, under the Law of Guardianship, those accused of a crime who are between the ages of 16 and 18 are taken before a judge and assumed guilty of the crime, without the benefit of either an oral or written trial. Punishment is then determined based not on the severity of the crime under the law but on the financial ability of the guardians to provide treatment and rehabilitation. Thus, minors who commit serious crimes but come from wealthier families may be released to the guardians, while minors from impoverished backgrounds may be sent to juvenile detention centers for lesser crimes.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, and the provision of other state services, and mandates access to buildings for persons with disabilities. There was some progress in these areas. The National Advisory Commission on the Integration of People with Disabilities (a governmental office), the national ombudsman, and numerous NGOs defended the rights of persons with disabilities and helped them to find employment.

A 1994 law mandates standards regarding access to public buildings, parks, plazas, stairs, and pedestrian areas. Street curbs, commuter train stations, and some buildings in Buenos Aires have been modified to accommodate wheelchairs, but many public buildings and lavatories remained inaccessible to persons with disabilities. The Buenos Aires subway system installed a small number of escalators and four elevators for one of the city's five subway lines; however, the other four subway lines remained inaccessible to many persons with disabilities.

A 2000 law mandated greater accessibility to buses and trains for persons with disabilities such that 1 of 50 buses must be equipped with a lowered floor or wheelchair lift. However, NGO groups claimed that these buses were not maintained, that these bus services were not regular, and that bus drivers were not given special training to deal with the needs of persons with disabilities.

NGOs and special interest groups claimed accessibility laws often were not respected in practice. The law does not define the term "accessible" nor does it provide deadlines or penalties for noncompliance. The national law is not mandatory for the provinces, and there are no penalties for provincial noncompliance. Accessibility laws have not been implemented in local building codes, and many new buildings were not accessible to persons with disabilities. Grievances filed about the failure to comply with these laws may result in a fine, but usually no action was taken to make the building accessible to persons with disabilities.

The National Ombudsman's 2001 report criticized the Government for insufficient funding and failure to enforce laws regarding discrimination and accessibility for persons with disabilities, such as ensuring that government buildings provide space for persons with disabilities to operate small businesses and that at least 4 percent of the work force in government offices be comprised of persons with disabilities. A newly enacted law put into effect at the end of the year provides for the Ministry of Labor and National Advisory Commission for the Integration of People with Disabilities jointly to oversee fulfillment of the 4-percent national government employment quota.

Indigenous Persons.—The Constitution recognizes the ethnic and cultural identities of indigenous people and states that Congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources. However, in practice, indigenous people did not participate in the management of their lands or natural resources. The National Institute of Indigenous Affairs (INAI) is the Government agency responsible for implementing these provisions. The Indigenous Advisory Council has not yet been established as provided in the law creating INAI.

The principal indigenous groups—the Kollas in Salta and Jujuy, the Mapuches in the Patagonian provinces, and the Wichis and Tobas in the northern provinces—were believed to represent less than 5 percent of the national population. The INAI estimated that there were approximately 700,000 indigenous persons, most of whom resided in rural areas. However, the nongovernmental Indigenous Association of the Argentine Republic estimated the indigenous population at 1.5 million persons. Other demographers in recent years estimated there were at most 450,000 indigenous persons. The 2001 national census collected information about indigenous identity for the first time; however, results of the information about indigenous identity had not been released at year's end.

Poverty rates were higher than average in areas with large indigenous populations. Indigenous persons have higher rates of illiteracy, chronic disease, and unemployment. Government efforts to offer bilingual education opportunities to indigenous people continued to be hampered by a lack of trained teachers.

Since 1994 the Government has restored approximately 2.5 million acres of land to indigenous communities. Nonetheless, some communities were involved in land disputes with provincial governments and private companies, particularly over questions of natural resource extraction and road construction.

National/Racial/Ethnic Minorities.—Racist incidents were underreported, and racism often was denied as a problem; however, members of racial minorities, such as those of African descent, reported frequent cases of verbal insults and, in some cases, physical assaults on the streets of Buenos Aires.

Individuals of indigenous descent from the northern part of the country, as well as from Bolivia, Peru, and other Latin American countries, reportedly were subjected frequently to verbal insults because of their dark skin. Accounts by those who have been subject to incidents of racial prejudice indicated that this was a more common problem than was reported widely. There were several incidents of apparent racial discrimination against Afro-Americans, including two serious cases involving unprovoked beatings in public establishments by private security personnel. Members of minority groups reported avoiding buses and other crowded public facilities out of fear of being subjected to racial harassment.

In March 2001, the U.N. Committee on the Elimination of Racial Discrimination expressed concern regarding reports throughout the country of police brutality committed on a variety of pretexts on grounds of race, color, or ethnic origin.

In January 2001, a Bolivian woman, Marcelina Meneses, and her 10-month-old Argentine son were insulted, then were pushed or fell from a suburban train. Both

were killed. There was no reported progress in the investigation despite efforts by the Bolivian immigrant community to locate witnesses.

There was no further information on the investigation into the 2000 racial discrimination case of a woman of African descent, Elisa Souza de Melgarejo, and her grandson, who were assaulted verbally in a supermarket.

In 2001 the Argentine Soccer Association established rules to stop or cancel games when any ethnic incidents or taunting erupts, such as anti-Semitic and anti-immigrant incidents that occurred at soccer matches in the past several years. Such incidents diminished after the rules were implemented.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form "free and democratic labor unions, recognized by simple inscription in a special register," and unions exercise this right. With the exception of military personnel, all workers are free to form unions. An estimated 35 percent of the work force was organized. Trade unions are independent of the Government and political parties, although many union leaders traditionally have supported the Justicialist Party. Most unions are affiliated with one of the two factions of the General Confederation of Labor (CGT). A smaller federation, the Argentine Workers' Central, also is recognized legally.

Labor groups not affiliated with the CGT continued to argue that the Professional Associations Law provision for legal recognition of only one union per sector conflict with International Labor Organization (ILO) Convention 87. The ILO's Committee of Experts, in a document released during the year, noted with satisfaction various measures the Government had taken in 2001 to provide trade union associations merely registered with rights and benefits similar to those of unions legally recognized. However, it indicated that it would address all the matters raised earlier in its next session.

The law prohibits antiunion practices, and the Government generally enforced this prohibition in practice.

Unions are free to join international confederations without government restrictions; many unions also were active in international trade secretariats.

b. The Right to Organize and Bargain Collectively.—The Constitution provides unions with the right to negotiate collective bargaining agreements and to have recourse to conciliation and arbitration. The Ministry of Labor, Employment, and Social Security ratifies collective bargaining agreements, which cover roughly three-fourths of the formally employed work force. According to the ILO, the ratification process impedes free collective bargaining because the Ministry not only considers whether a collective labor agreement contains clauses violating public order standards, but also considers whether the agreement complies with productivity, investment, technology, and vocational training criteria. However, there were no known cases during the year when the Government refused to approve any collective agreements under the above criteria.

The 2000 Labor Reform Law allows collective bargaining on a regional, provincial, or company basis. A conciliation service, which began operation in 1997, has helped reduce the number of labor disputes in courts. In April and September, foreign experts conducted training sessions in mediation for labor professionals, particularly government officials.

The Constitution provides for the right to strike, and this right was observed in practice. There were no national general strikes by the largest union confederations, but there were numerous smaller scale strikes. These strikes generally were brief protests related to sector specific problems or were carried out by public sector employees, including teachers, against the economic model or specific government austerity measures.

Groups of unemployed and underemployed workers, retirees, and unions around the country frequently demonstrated and used roadblocks as acts of protest. Hundreds of incidents took place during the year. Many of the roadblocks were carried out by groups of impoverished persons demanding retention or restoration of jobs, more federal and provincial unemployment payments or job subsidies. The roadblocks usually were organized by political or labor leaders. While most roadblocks were resolved by negotiated settlements, sometimes including promises of extended or expanded unemployment programs, some ended in confrontations between the police and demonstrators. Two persons were killed in Buenos Aires Province in association with such a confrontation (*see* Sections 1.a., 1.c., and 2.b.).

There are three functioning export processing zones with many others legally registered but not active. The primary commercial advantages of these zones are related to customs and duty exemptions. The same labor laws apply within these zones as in all other parts of the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children. During the year, there was only one report of workers found in conditions of forced labor with poor pay and working conditions. In December the press reported that police arrested two Bolivians who owned a garment factory in the city of Buenos Aires where 15 young Bolivians, including two minors, were found working in conditions constituting "servitude."

d. Status of Child Labor Practices and Minimum Age for Employment.—The education law requires that children attend school until the age of 15, effectively prohibiting formal employment of children under 15; however, other laws are inconsistent and child labor was a problem. The labor laws still allow children to work at the age of 14, and in rare cases the Ministry of Education may authorize a younger child to work as part of a family unit. Children between the ages of 15 and 16 may work in a limited number of job categories, but not more than 6 hours a day or 35 hours a week. The penalty for employing underage workers ranges from $278 to $1,388 (1,000 to 5,000 pesos) for each child employed.

In May the Ministry of Labor published, with IPEC support, a Diagnostic Synthesis on Child Labor that estimated the number of children working in 2000 at 483,000—a 91.6 percent increase in 5 years. Relying on a broader definition, which includes children working in their homes, the Diagnostic estimates that there were 1.5 million child laborers.

In June a UNICEF education consultant reportedly stated that in the large urban areas 6 of every 10 adolescents (ages 13–17) worked rather than studied. Such considerable and continuing growth in child labor was considered credible given the country's economic distress.

In 2000 the President formally established a National Commission for the Eradication of Child Labor to work with the Government, organized labor, the business community, religious groups, UNICEF, and NGOs. The Commission, whose activities are financed largely by IPEC, signed several agreements with provinces to cooperate in addressing child labor problems and conducted training activities.

e. Acceptable Conditions of Work.—The monthly national minimum wage was $54 (200 pesos), which was not sufficient to provide a decent standard of living for a worker and family. It is determined by a tripartite committee and has not changed since 1993. However, few workers in the formal sector made the minimum wage; according to a prominent labor expert, the estimated average income of a laborer was approximately $150 (550 pesos) per month. Those employed full time in the informal sector were estimated to make closer to $100 (370 pesos) per month.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is 8 hours, and the maximum workweek is 48 hours. Overtime payment is required for hours worked in excess of these limits. The law also sets minimums for periods of rest and paid vacation. However, laws governing acceptable conditions of work are not enforced universally, particularly for workers in the informal sector who constituted an estimated 40 percent of the work force prior to the current economic crisis and likely an even larger share of the work force during the year.

Employers are required by law to insure their employees against accidents at the workplace, and when traveling to and from work. Workers have the right to remove themselves from dangerous or unhealthful work situations, after having gone through a claim procedure, without jeopardy to continued employment. Nonetheless, workers who leave the workplace before it has been proven unsafe risk being fired; in such cases, the worker has the right to judicial appeal, but the process can be very lengthy.

f. Trafficking in Persons.—No laws specifically address trafficking in persons; however, other laws may be used to prosecute crimes associated with trafficking, such as kidnaping, forced labor, use of false documents, and prostitution. Laws against child abuse provide penalties for trafficking children for purposes of prostitution, and other laws prohibit alien smuggling, indentured servitude, and similar abuses. There were credible reports that women brought from the Dominican Republic to work in Argentina in the mid to late 1990s were coerced into prostitution. An investigation encompassing nearly a dozen such women was underway at year's end, and the International Organization of Migration approved the return of 51 Dominicans during the year. There also was a report of 15 Bolivians, including 2 children, who may have been trafficked to the country.

While there were no government programs specifically to assist trafficking victims, the Office for Assistance to Migrants can provide help, and the Office for Assistance to the Victims of Crime provided practical, legal, and psychological support

to several Dominican victims of trafficking who are pursuing cases in the legal system. The Government seldom detained immigrants on immigration-related charges.

BAHAMAS

The Commonwealth of the Bahamas is a constitutional, parliamentary democracy and a member of the Commonwealth of Nations. Queen Elizabeth II, the nominal head of state, is represented by an appointed Governor General. Prime Minister Perry Christie's Progressive Liberal Party (PLP) regained control of the Government after May elections that observers found to be generally free and fair. The judiciary was generally independent.

The national police force maintains internal security, and the small Royal Bahamas Defence Force is responsible for external security and some minor domestic security functions such as guarding foreign embassies and ambassadors; both answer to civilian authority. There continued to be reports that the police occasionally committed human rights abuses.

The country has a developing market-based economy that depends primarily on tourism, which accounts for 60 percent of the gross domestic product. The country's population is approximately 305,000. Financial services, particularly offshore banking and trust management, are also major sources of revenue. While many citizens enjoyed relatively high income levels, there was considerable underemployment and poverty. The unemployment rate was estimated at 9.1 percent during the year.

The Government generally respected the human rights of its citizens; however, problems remained in several areas. There were reports that police occasionally beat and abused detainees, and prison conditions remained harsh. The police occasionally used arbitrary arrest and detention. Lengthy pretrial detention and delays in trials were problems. Violence and discrimination against women and violence against children also were problems. Discrimination against persons with disabilities and persons of Haitian descent persisted. Bahamas was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and other cruel and degrading treatment or punishment; however, the police occasionally beat or otherwise abused suspects. Many of the charges of abuse involved beatings to extract confessions. There were no formal complaints involving beatings to extract confessions filed during the year; however, in April a Nassau man alleged that two police officers pulled him from his home and beat him without provocation. The victim displayed visible bruises to the media. At year's end, the matter was under active investigation by the police complaints unit. Human rights monitors and members of the public continued to express concern over such instances of police abuse of criminal suspects. Police officials, while denying systematic or chronic abuses, acknowledged that police on occasion abused their authority, and pledged to address any wrongdoing by police officers. According to officials, defendants' rights were protected by trial judges (*see* Section 1.e.).

The Police Complaints and Corruption Branch, which reports directly to the Deputy Commissioner of Police, was responsible for investigating allegations of police brutality. This unit determines if enough evidence of abuse or misconduct exists in a particular case to warrant disciplinary action within the police system or, in some cases, criminal prosecution by the Attorney General. Local human rights observers doubted the police force's ability to investigate itself impartially in cases of alleged abuse and misconduct and believed that many incidents of improper police behavior were unreported. An independent civilian was supposed to be appointed to oversee the complaints and corruption branch; however, at year's end the Government had not selected anyone for this position. This civilian would report directly to the Minister of National Security and consult with the Police Commissioner. Police officials insisted that their investigations were fair and thorough. There were 398 complaints against the police during the year, compared with 428 in 2001. Of these 398 cases, 170 remained under investigation at year's end, and 88 resulted in disciplinary ac-

tion. Examples of disciplinary action included suspension without pay, fines, and dismissal. No officers were dismissed during the year because of alleged human rights abuses. Police officials believed that continuing turnover in personnel was a contributing factor in disciplinary cases. There were approximately 2,200 officers.

Corporal punishment is permitted by law with some restrictions; however, it has not been used for several years. For example, caning was permitted at police stations but only if performed by a sergeant or higher ranking official. Cat-o'-nine-tails were allowed at prisons but have not been used for several years.

Conditions at Fox Hill, the only prison, continued to improve but remained harsh. Overcrowding was a major problem. The men's maximum-security block, originally built in 1953 to house 400 to 600 inmates, held more than 700 of the prison's total of more than 1,400 inmates. The remaining prisoners were housed in medium- and minimum-security units that were at, or above, intended capacity. Male prisoners were crowded into poorly ventilated cells that generally lacked regular running water. Most prisoners lacked beds. Many of them slept on concrete floors and were locked in their cells 23 hours per day. With the opening of a new maximum-security wing in August, prison officials hoped to alleviate overcrowding and separate prisoners being held "on remand" (detention pending trial or further court action) from convicted prisoners. All inmates were screened for infectious diseases, and prison officials estimated that approximately 7 percent of the incoming prison population was infected with the HIV virus. There were occasional escapes from Fox Hill prison (*see* Section 1.d.).

Organizations providing aid, counseling services, and religious instruction had regular access to inmates. The Government provided limited funds for improvements in prison facilities and prisoner rehabilitation programs. Prison officials instituted some technical and vocational programs, and correctional officers were undergoing instruction to become certified trainers, although the process was hindered by resource constraints. Modern training facilities are equipped with new computers, and the prison also offered some educational and literacy programs for prisoners.

Women were held separately from male prisoners. The prison's female population was around 40 inmates, considerably less than the female unit's full capacity of 200. Conditions for women were less severe, and the facilities had running water.

The new maximum-security building has a separate section for juvenile offenders between the ages of 16 and 18. Offenders younger than that, along with children made wards of the court by their parents because of "uncontrollable behavior," were housed at the Simpson Penn Center for Boys and the Williamae Pratt Center for Girls.

Domestic and international human rights groups were able to visit the prison during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, police occasionally arbitrarily arrested and detained persons. In general the authorities conducted arrests openly and, when required, obtained judicially issued warrants. The law provides that a suspect must be charged within 72 hours of arrest. The Government generally respected the right to a judicial determination of the legality of arrests.

Serious cases, including those of suspected narcotics or firearms offenses, do not require warrants where probable cause exists. Arrested persons appear before a magistrate within 72 hours (or by the next business day for cases arising on weekends and holidays) to hear the charges against them. Arrested persons may hire an attorney of their choice, and the Government does not provide legal representation except to destitute suspects charged with capital crimes. Some local legal professionals and human rights observers believed that this lack of representation risked hasty convictions on the basis of unchallenged evidence, particularly in the case of poor or illiterate defendants. However, there was no statistical evidence to indicate that this was more than an occasional problem.

The Bail Act prohibits bail for repeat offenders and those accused of certain violent crimes. Judges tended not to grant bail to foreign suspects, particularly on more serious offenses, since the authorities considered foreign offenders more likely to flee if released on bail. Judges sometimes authorized cash bail for foreigners arrested on minor charges; however, in practice foreign suspects generally prefer to plead guilty and pay a fine rather than pursue their right to defend themselves, given possible delays in court cases and harsh conditions in the prison. Attorneys and other prisoner advocates continued to complain of excessive pretrial detention (*see* Section 1.e.). The Constitution mandates that suspects can be held for a "reasonable period of time" before trial, giving considerable flexibility. It was not unusual for a murder suspect to be held 2 years before trial and on occasion up to 4 years.

The authorities detained illegal immigrants, primarily Haitians and Cubans, at the detention center located off Carmichael Road until arrangements could be made

for them to leave the country, or they obtain legal status. In the detention center, which can hold up to 600 detainees, women and men were housed separately. The highest occupancy at any one time was approximately 350. Haitians usually were repatriated within 48 hours, due to increased cooperation between Bahamian and Haitian authorities and improved efficiency in processing. In addition to Haitians and Cubans, immigration authorities also housed illegal migrants from China, Equador, Venezuela, India, and Nigeria. Average length of detention varied dramatically by nationality and availability of funds to pay for repatriation. Cuban immigrants tended to have longer stays that reached 7 months and averaged 3.5 months. Many detainees were provided with food and other items by relatives and friends on a regular basis, and those who can arrange and finance their repatriation generally were deported much more quickly. Illegal immigrants convicted of crimes other than immigration violations were held at Fox Hill prison where they may remain for weeks or months after serving their sentences, pending deportation.

Exile is illegal and was not practiced during the year.

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

Magistrate's courts are the lowest level courts and only handle crimes with a maximum sentence of 5 years. Trial by jury is available only in the Supreme Court, which is the trial court that handles most major cases. Its decisions may be appealed to the Court of Appeal; the Privy Council in London is the final court of appeal. The Governor General appoints judges on the advice, in most cases, of the independent Judicial and Legal Services Commission.

The justice system derives from English common law. The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. However, the judicial system had a large backlog of cases, and delays reportedly lasted as long as 2 years. To reduce the backlog, the Government continued the process of streamlining appeals, computerizing court records, and hiring new judges, magistrates, and court reporters. The Supreme Court established a task force to recommend further reforms in the court system and published a report in 1999 proposing modifications in the system to facilitate case flow management, including the disposition of cases within 6 months of initial filing.

Despite these measures to improve efficiency, complaints persisted of excessive pretrial detention, outdated record keeping, delayed justice for victims, and a failure to update new laws in the books. Some judges have been brought in from abroad; while familiar with English common law, they lacked experience regarding local law and procedures. There were isolated complaints of deviations from normal, fair court proceedings—particularly in civil matters—but there were no indications that this was a widespread problem.

In 1999 the final appeals court, the Privy Council, ruled that death-row inmates appealing their sentences must be given the chance to be heard by bodies such as the U.N. Human Rights Committee (UNHRC) and the Inter-American Commission on Human Rights (IACHR). Death-row inmates have petitioned the UNHRC or IACHR, but the Government, while it accepts the Privy Council's ruling, has not agreed that it will be bound by UNHRC or IACHR recommendations.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. The law usually requires a court order for entry into or search of a private residence, but a police inspector or more senior police official may authorize a search without a court order where probable cause to suspect a weapons violation exists. Such an official also may authorize the search of a person (which extends to the vehicle in which the person is traveling) without a court order, should probable cause exist to suspect drug possession.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and press, and the Government generally respected this right in practice.

Three daily and several weekly newspapers, all privately owned, expressed a variety of views on issues of public interest, including varying degrees of criticism of the Government and its policies. Foreign newspapers and magazines were readily available.

There is a government-run radio station and five privately owned radio broadcasters. The country's sole television station, the state-owned Broadcasting Corporation of the Bahamas, presented a variety of views, although opposition politicians claimed, with some justification, that their views did not receive as extensive coverage as those of the Government.

The Government did not restrict Internet access.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedoms of assembly and association, and the Government generally respected these rights in practice. Groups must obtain permits to hold public demonstrations, and the authorities generally grant such permits.

The law permits private associations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There was no separation of church and State in the country, and the Constitution explicitly calls for respect for Christian values; however, there were no allegations of violations of religious freedom during the year.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

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

There was no legislation governing the processing of asylum seekers, and applications for political asylum were supposed to be adjudicated on a case-by-case basis at the cabinet level. Trained immigration officials screened asylum applicants, and the UNHCR reviewed the interview records and offered advice on certain cases. Local and international human rights observers criticized the Government for failing to screen potential asylum applicants adequately. These organizations claimed that some Haitians with a legitimate fear of persecution were repatriated without having the opportunity to make a claim for asylum. Although the repatriation agreement between the Bahamas and Haiti expired at the end of 1995, the Government continued to repatriate illegal Haitian immigrants based on the terms of that agreement, and on December 20, the Bahamian and Haitian governments signed an agreement to share repatriation costs of illegal Haitian immigrants. They are all interviewed by immigration officials and given the opportunity to claim asylum. The Government signed a repatriation agreement with Cuba in 1998. The Royal Bahamian Defence Force brings all migrants intercepted at sea back to port.

The Department of Immigration reported that 5,462 Haitian, 68 Cuban, and 74 Dominican Republic citizens had been repatriated, out of a total of 6,368 repatriations. A total of 54 persons requested asylum during the year, and of these, 2 were recommended for refugee status.

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

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

The country is a constitutional, parliamentary democracy with general elections at least every 5 years. An elected Prime Minister and Parliament govern. The political process is open to all elements of society, and citizens 18 years of age and older are eligible to register and vote. Voting is by secret ballot. The two principal political parties are the ruling Progressive Liberal Party and the opposition Free National Movement (FNM). In May the PLP won 30 of 40 seats in the House of Assembly and formed the new government under Perry Christie. The FNM won only six seats and independents won four. Both the ruling party and the opposition name members to the upper house, the Senate, in compliance with constitutional guidelines. Although it does pass legislation, the Senate is primarily a deliberative body that serves as a public forum to discuss national problems and policies.

There were no legal impediments to participation by women in government and politics. The 40-seat House of Assembly has 8 elected women members and 7 appointed women Senators, including the President of the Senate. Cynthia Pratt was the country's first woman Deputy Prime Minister and first woman Minister of National Security. Women also headed the Ministry of Transportation and Aviation, the Ministry of Financial Services and Investment, and the Ministry of Social Services and Development.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were very cooperative and responsive to their views.

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

The Government generally respected in practice the constitutional provisions for individual rights and freedoms regardless of race, place of origin, political opinion, creed, or sex. However, the Constitution and the law contained certain provisions that discriminated against women.

Women.—Violence against women continued to be a serious, widespread problem. Government crime statistics did not separate domestic violence from other incidents of violence. The Government operated a nationwide toll-free hot line, with two trained volunteers on each of the inhabited islands who were on call to respond in the event of a crisis. Government and private women's organizations conducted public awareness campaigns highlighting the problems of abuse and domestic violence. In November 2000, the Department of Social Services in partnership with a private company established, for the first time, two safe houses to assist battered women. The Domestic Court, which exclusively addresses family issues such as spousal abuse, maintenance payments, and legal separation, continued to receive a high volume of cases. The court can and does impose various legal constraints to protect women from abusive spouses or companions. Rape, including spousal rape, was a crime. Prosecutions and convictions on rape charges were common and the maximum penalty frequently was applied. However, advocates for women's rights saw a need to improve the effectiveness of enforcement of the court's orders. They cited a general reluctance on the part of law enforcement authorities to intervene in domestic disputes and a lack of police training and sensitivity in dealing with domestic violence. The police recognized domestic violence as a high priority and provided specialized training to several hundred officers in mandatory classes for all incoming officers as well as in ongoing training. Women's rights activists noted the new training the police had received and believed that it was a positive development.

The Constitution discriminates against women by not providing them with the same right as men to transmit citizenship to their foreign-born spouses. The law also makes it easier for men with foreign spouses to confer citizenship on their children than for women with foreign spouses. Some inheritance laws also favored men over women. For example, when a person dies without a will, the estate passes to the oldest legitimate son, or in cases where there is no son, the closest legitimate male relative. Prominent women of all political persuasions continued to push for an amendment to the Constitution and related laws to redress this situation. In 2001 Parliament passed legislation to amend the Constitution and eliminate this discrimination; however, the amendment (along with four other proposed constitutional changes) was defeated soundly in a referendum after the PLP and much of the local religious community opposed it. The Government promised to consult with the citizens before again moving forward with this legislation, but no firm timetable had been established to do so.

Women participated fully in society and were well represented in the business and professional sectors.

Children.—The Government claimed child welfare and education are a priority but they lacked sufficient funding. The public schools, in particular, lacked basic educational materials, and facilities were overcrowded and substandard. Public education was compulsory for children through the age of 16, and most children attended school until this age.

Both the Government and civic organizations conducted intensive public education programs aimed at the problem of child abuse and appropriate parenting behavior; however, child abuse and neglect remained serious problems. In 2001 there were 101 reports of sexual abuse of minors, 13 reports of incest, 18 reports of physical abuse, 83 reports of child neglect, and 9 cases of child abandonment. More recent statistics were unavailable.

The law requires that all persons who have contact with a child they believe to be abused sexually report their suspicions to the police. However, the same reporting requirement does not apply to cases of physical abuse, which health care professionals believe occurred quite frequently. The police referred reported cases of sexual and physical abuse to the Department of Social Services, which investigates them and can bring criminal charges against perpetrators. The Department may remove children from abusive situations if the court deems it necessary. The highly publicized death of a 4-year-old boy, and subsequent arrest of his father, focused renewed attention on this issue.

Persons with Disabilities.—Although the 1973 National Building Code mandates certain accommodations for persons with physical disabilities in new public build-

ings, the authorities rarely enforced this requirement. There was no overarching disability act. There were housing units in Nassau designed specifically for persons with disabilities, but very few buildings and public facilities were accessible to persons with disabilities. The code also failed to mandate accommodations in new private buildings, which often lacked accessibility as well. Advocates for persons with disabilities complained of widespread job discrimination and general apathy on the part of private employers and political leaders toward their need for training and equal opportunity. They noted that there was no general legislation to implement and enforce equal opportunity policies in the workplace, educational institutions, or elsewhere.

The Disability Affairs Unit of the Ministry of Social Development and National Insurance worked with the Bahamas Council for Disability, an umbrella organization of nongovernmental organizations (NGOs) that offered services for persons with disabilities, to provide a coordinated public and private sector approach to the needs of persons with disabilities. A mix of government and private residential and nonresidential institutions provided a range of education, training, counseling, and job placement services for adults and children with both physical and mental disabilities.

National/Racial/Ethnic Minorities.—Unofficial estimates suggest that between 20 and 25 percent of the population are Haitians or citizens of Haitian descent, making them the largest and most visible ethnic minority in the islands. While 30,000 to 40,000 Haitian citizens resided in the country legally, some observers believed that similarly large numbers were in the country illegally. Haitian children were granted access to education and social services. Children born of non-Bahamian parents or to a Bahamian mother with a non-Bahamian father in the Bahamas do not automatically acquire citizenship.

Although Haitians and Bahamians of Haitian descent generally were well integrated into society, interethnic tensions and inequities persisted. Some members of the Haitian community complained of discrimination in the job market, and resentment of continued Haitian immigration was widespread. However, reports of ethnic violence or blatant discrimination against legally resident Haitians were scarce. Some leaders of the Haitian community approved of the Government's approach to the repatriation of illegal migrants and pointed to the high number of ethnic Haitians in the public service.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides labor unions with the right of free assembly and association, and the Government generally respected these rights in practice. Private sector and most public sector workers may form or join unions without prior approval. Members of the police force, defense force, fire brigade, and prison guards may not organize or join unions. Workers exercised the right of association extensively, with almost one-quarter of the work force (and 80 percent of the workers in the important hotel industry) belonging to unions.

Three major umbrella labor organizations—the National Workers Council of Trade Unions and Associations, the Trade Union Congress, and the National Congress of Trade Unions—along with individual labor unions, all functioned independently of government or political party control.

The Constitution and the Industrial Relations Act prohibit antiunion discrimination by employers. The act requires employers to recognize trade unions, and it requires the reinstatement of workers fired for union activities. Employers may dismiss workers in accordance with applicable contracts, which generally require some severance pay. The Government enforced labor laws and regulations uniformly throughout the country.

In order to resolve trade disputes more quickly, in 1996 Parliament amended the Industrial Relations Act to establish an industrial tribunal. According to the act, labor disputes first are filed with the Ministry of Labor and then, if not resolved, are turned over to the tribunal. The tribunal follows normal court procedures for the admission of evidence, direct examination, and cross-examination. The tribunal's decision is final and can only be appealed in court on a strict question of law. Some employers complained that the industrial tribunal was biased unfairly in favor of employees.

All labor unions have the right to maintain affiliations with international trade union organizations.

b. The Right to Organize and Bargain Collectively.—Workers freely exercised their right to organize and participate in collective bargaining, which the law protects. Unions and employers negotiated wage rates without government interference.

The Industrial Relations Act requires that, before a strike begins, a simple majority of a union's membership must vote in favor of a motion to strike. The Department of Labor must supervise the vote. Workers have the right to strike, and it was generally respected in practice; however, the Government has the right to intervene in the national interest to assure delivery of essential services. Unions threatened several work stoppages against both public and private employers during the year.

Freeport was a specially designated free trade zone. Labor law and practice in this zone do not differ from those in the rest of the country. However, human rights advocates asserted that the Port Authority has allowed the Hong Kong-based company Hutchinson-Whampoa, which owned the harbor, airport, and many major hotels in Freeport, to discourage unions.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor by all persons, including children, and such labor did not exist in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 14 for industrial work or work during school hours. Children under the age of 16 may not work at night. There was no legal minimum age for employment in other sectors, and some children worked part time in light industry and service jobs. On June 14, the Government ratified the International Labor Organization's Convention 182 on elimination of the worst forms of child labor.

e. Acceptable Conditions of Work.—The Minimum Wage Act, passed in December 2001, established a minimum wage for the private sector of $3.50 (B$3.50) an hour or $150 (B$150) a week for the first time. In 2000 the Government established a minimum wage of $4.66 (B$4.66) per hour for all hourly and temporary workers throughout the public sector. In view of the high cost of living, these minimum wages did not provide more than a subsistence living for a worker and family. The act reduces the regular workweek from 48 hours to 40 hours, provides for one 24-hour rest period, and requires overtime payment (time and a half) for hours beyond the standard.

The Ministry of Labor was responsible for enforcing labor laws and has a team of inspectors who conduct on-site visits to enforce occupational health and safety standards and investigate employee concerns and complaints; however, inspections occurred infrequently. The Ministry normally announced inspection visits in advance, and employers generally cooperated with inspectors to implement safety standards.

The national insurance program compensates workers for work-related injuries. The Fair Labor Standards Act requires employers to find suitable alternative employment for employees injured on the job but still able to work. The law does not provide a right for workers to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons; however, the Penal Code bans prostitution and prohibits the detention of persons against their will and for immoral purposes. There were no reports that persons were trafficked to, from, within, or through the country, and the Government did not prosecute any cases against traffickers.

BARBADOS

Barbados is a constitutional democracy with a multiparty, parliamentary form of government and is a member of the Commonwealth of Nations. The Queen was head of state and was represented by an appointed Governor General. Prime Minister Owen Arthur of the Barbados Labour Party (BLP) was the head of government and governed with an appointed cabinet. The judiciary was generally independent.

The Royal Barbados Police Force was charged with maintaining public order. The small Barbados Defense Force (BDF) was responsible for national security and can be employed to maintain public order in times of crisis, emergency, or other specific need; the BDF supported the police during the year. Police occasionally committed some human rights abuses.

The free market economy was based on tourism, services, light manufacturing, and agriculture. The country's population was approximately 275,000. The Government was the single largest employer, employing about 21 percent of the work force. The economy contracted as real growth declined by 0.6 percent, compared to a drop of 2.8 percent in 2001. Tourism declined by 2.8 percent, compared to a drop of 5.9 percent in 2001. Crop damage resulting from tropical storm Lili, which hit the is-

land in September, contributed to losses in the agricultural sector. The unemployment rate at the end of September was 10.3 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were occasional allegations of excessive use of force by police. Societal violence against women and children were problems. Barbados was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically prohibits torture and inhuman or degrading punishment or other treatment. The majority of complaints against the police alleged unprofessional conduct and beating or assault.

In March newspapers reported that four policemen allegedly beat Colin Gaul, a Guyana-born Swedish citizen, and forcibly removed him from a flight bound for Guyana after the captain of the flight refused to take off with him on board. The press reported that Gaul, who was traveling with his 3-year-old son, had complained loudly at having to walk from the back of the aircraft to his seat near the front of the aircraft, while other passengers with children seated near the front had been allowed to board from the front of the plane. The airline told the press that Gaul had been abusive on an earlier flight and cited security concerns as a reason to remove him. After Gaul refused requests by security guards and police to leave the plane, the policemen allegedly grabbed him and punched him in the head with bare fists and forced him off the plane. According to press reports, one of the passengers who witnessed the incident gave a statement to the Guyana Human Rights Association. The police conducted an investigation, but no results were made public.

At year's end, assault charges filed by students at the University of the West Indies against a police officer were still pending before the High Court. These charges arose out of an incident in 2001 when students barricaded the main campus road and clashed with police (*see* Section 2.b.).

The police force has an Office of Professional Responsibility headed by a superintendent to deal with matters of inappropriate police conduct. Although Parliament passed a law in 2001 creating an independent Police Complaints Authority to review complaints against the police, this entity was not yet functioning at year's end.

Police procedures provide that the police may question suspects, and other persons they hold, only at a police station, except when expressly permitted by a senior divisional officer. An officer must visit detainees at least once every 3 hours to inquire about the detainees' condition. After 24 hours, the detaining authority must submit a written report to the Deputy Commissioner. The authorities must approve and record all movements of detainees between stations. The authorities generally adhered to these basic principles, although there were occasional allegations that officials used excessive force.

For a decade, the authorities have issued firearms to special foot patrols in high crime areas in response to public concern. In 2000 the Government created an armed special rapid response unit, which continued to operate during the year. Aside from this exception, the police force was mostly unarmed, in keeping with its British traditions. In addition, the law provides that the police can request the BDF to assist them when needed for specific periods of time. During these times, such as the annual "Crop Over" carnival period, the police and BDF may run joint patrols. In addition, the police operated a mobile unit that could be dispatched as needed, including to the tourism areas.

Prison conditions were inadequate. The sole prison (Glendairy) was antiquated and overcrowded, with more than 700 male and 92 female inmates in a 150-year-old structure built for 350 inmates.

There were separate areas for pretrial detainees and convicted prisoners at the prison; however, there was occasional mixing due to space constraints.

There was a separate wing for female prisoners at the prison, and there were separate detention facilities for boys and girls.

In March the Government discharged 8 of the 14 prison officers who were suspended in November 2001 for the alleged beatings of 36 inmates. The other six officers, including three senior officers, were suspended with half-pay. A total of 9 offi-

cers faced over 100 charges, mainly for assault, as a result of the alleged beatings. At year's end, the officers were free on bail pending further court hearings.

The Government allowed private groups to visit prisons to ascertain conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and imprisonment and requires detainees to be brought before a court of law within a reasonable time, and the Government generally respected these provisions in practice. Criminal defendants had the right to counsel, and attorneys had ready access to their clients.

The Constitution prohibits exile, and it was not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and it was generally free of intervention by other branches of government.

The judiciary includes the Supreme Court, which consists of the high court and court of appeal. The Governor General, on the recommendation of the Prime Minister and after consultation with the leader of the opposition, appoints the Chief Justice and other judges. Judges serve until the age of 65.

The Constitution provides that persons charged with criminal offenses be given a fair public hearing within a reasonable time by an independent and impartial court, and the Government generally respected this right in practice. The judicial system provides for the right of due process at each level. The law presumes defendants innocent until proven guilty.

The Government provided free legal aid to the indigent, with the exception of a limit of approximately $2,100 (—1,300) on expenses incurred for appeals by death row prisoners to the Privy Council in London. Two inmates challenged this limit and sued the Government on the grounds that it effectively deprived them of their right to due process.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary entry, search, or seizure, and the law requires warrants to be issued before privately owned property may be entered and searched. The Government did not interfere routinely in the private lives of its citizens.

The Government did not censor mail. However, the Government restricted the receipt of foreign publications deemed to be pornographic. Other foreign publications of a nonprurient nature were allowed without restriction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. There were two independent daily newspapers, both of which presented opposition political views. The Government regularly came under criticism in the newspapers and on daily call-in radio programs. There were six radio stations, two of which were owned by the Government. The Caribbean Broadcasting Corporation (CBC) television service (the only television source, excluding direct satellite reception) was government-owned. Although CBC was a state enterprise, it regularly reported views opposing government policies. The press remained vigorously critical of the Government on a broad range of issues. The Government prohibited the production of pornographic materials.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Political parties, trade unions, and private organizations functioned and held meetings and rallies generally without hindrance.

The Public Order Act of 1970 requires police approval for public assemblies, which was granted routinely.

Gatherings related to school activities do not require written police permission. In March 2001, students at a demonstration at the University of the West Indies barricaded the main campus access road and clashed with police, who arrested several students, a clerk, and a law lecturer. The authorities charged the students and lecturer with impeding the public road access in violation of the Road Traffic Act; lawyers for the students filed assault charges against a police officer and also filed a constitutional motion asserting that statements made by the Prime Minister prejudiced their chances of a free trial. At year's end, the motion had not yet been heard, and all parties remained free on bail.

The Constitution provides for the right of association, and the Government generally respected this right in practice.

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

For more detailed information see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Citizens and legal residents move freely within the country and leave and enter it without restriction.

The Government had not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens have this right in law and exercised it in practice. Political parties compete in free and fair elections by secret ballot at least every 5 years. There were no impediments to participation in the political process, and all citizens over the age of 18 may vote. The Prime Minister exercised executive power along with the Cabinet of Ministers that he appoints, balanced by the bicameral Parliament and the judicial system. In the 1999 elections, the BLP won a decisive victory, gaining a 26-to-2 majority over the Democratic Labour Party.

There were no legal impediments to the participation of women and minorities in government or politics. There were four female Senators and four female members of the Cabinet, including the Deputy Prime Minister, who served concurrently as Foreign Minister, and the Attorney General.

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

Local groups involved with human rights operated freely and without government hindrance. The Caribbean Human Rights Network, a Caribbean-wide human rights organization that had its headquarters and a small staff in Barbados, disbanded in March 2001 due to a lack of funding.

The Government Ombudsman's office hears complaints against government offices for alleged injuries or injustices resulting from administrative conduct. The Governor General appoints the Ombudsman on the recommendation of the Prime Minister in consultation with the Leader of the Opposition; Parliament must approve the appointment. The Ombudsman serves until age 65 but may be extended for an additional 5 years. The office was prohibited from involvement in policy issues involving foreign affairs, immigration questions, and certain other matters. The office did investigate complaints of inappropriate behavior by police. The Ombudsman's reports were submitted to Parliament.

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

The Constitution provides for equal treatment under the law, regardless of race, religion, or sex. The Government generally respected these rights in practice.

Women.—Violence and abuse against women continued to be significant social problems. In 2001 there were 71 cases of rape reported to the police; more recent figures were not available. Spousal abuse remained a significant criminal activity during the year. Spousal rape, as distinguished from spousal abuse and domestic violence, is not specifically mentioned in the criminal statutes but was addressed as part of British common law, which generally was followed in the country.

The Domestic Violence Law specifies the appropriate police response to domestic violence; it is intended to protect all members of the family, including men and children. It applies equally to marriages and to common law relationships. Criminal penalties for violent crimes were the same regardless of the sex of the offender or the victim; however, in practice female offenders usually received lighter sentences than their male counterparts for similar offenses. The courts heard a number of cases of domestic violence against women involving assault or wounding. Victims may request restraining orders, which the courts often issue. The courts can sentence an offender to jail for breaching such an order. The police had a Victim Support Unit, made up of civilians and volunteers, who offered support to victims, particularly female victims, of violent crimes.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. The Business and Professional Women's Club ran a crisis center staffed by 30 trained counselors and provided legal and medical referral services. The center also had a hot line for clients who wished to maintain their anonymity. The Government funded a shelter for battered women, which accommodates 20 women and children; nongovernmental organizations operated it. The shelter offered psychological and physiological counseling by trained counselors to victims of

domestic violence. The counselors accompanied victims to the hospital and other agencies if necessary. In the first 8 months of the year, the shelter assisted 36 women and 34 children; the maximum stay was 3 months.

Prostitution is illegal, but it was a problem, fueled by poverty and tourism.

Government statistics showed that women bore a greater share of the unemployment burden than men; the unemployment rate for women was 12.6 percent at the end of 2001, compared to a rate of 9.8 percent for men.

Sexual harassment in the workplace was a problem, but no statistics were available. Draft legislation aimed at preventing sexual harassment in the workplace was under discussion in connection with other proposals to harmonize labor legislation among the Caribbean nations. In addition, the Barbados Workers Union continued to seek guidelines on sexual harassment in contracts and agreements it concluded with employers.

Women actively participated in all aspects of national life and were well represented at all levels of both the public and private sectors. They headed 44 percent of all households and were not discriminated against in public housing or other social welfare programs. A Poverty Eradication Fund focused on encouraging entrepreneurial activities to increase employment for women and youth. Women owned approximately 30 percent of all businesses in the Small Business Association and carried in excess of 70 percent of the recent mortgages in the country. The Government reported that the number of female applicants for the police force as well as for other jobs traditionally held by men increased dramatically during the year.

The National Organization of Women was an affiliate of the Caribbean Women's Association, a regional women's organization.

Children born overseas and out of wedlock to Barbadian men are considered citizens. Previously, Barbadian women married to non-Barbadian men were unable to confer citizenship on their children. A 2000 law, retroactive to the date of independence in 1966, provides that a child born to a male or female citizen has immediate citizenship.

Children.—The Government was committed to children's human rights and welfare, although violence and abuse against children remained serious problems. The Government provided for compulsory education until the age of 16. The national health insurance program provided children with free medical and dental services for most medical conditions. The Child Care Board had a mandate for the care and protection of children. This involved investigating day care centers, cases of child abuse or child labor, the provision of counseling services, residential placement, and foster care. The Welfare Department offered counseling on a broad range of family-related issues, and the Child Care Board conducted counseling for child abuse victims.

The press reported that there was an increase in the number of complaints of rape of girls under 16 years old. According to the media, police officials were concerned that children had become targets because rapists saw them as less likely to be infected with the HIV/AIDS virus.

Persons with Disabilities.—Other than constitutional provisions of equality for all, there are no laws that specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services. However, the Ministry of Social Transformation established the Disabilities Unit to address the concerns of persons with disabilities and created an advisory committee on disabilities. The Labor Department, a unit within the Ministry that finds jobs for the disabled, has long advocated the introduction of legislation prohibiting discrimination. In September the Government issued a White Paper on Persons with Disabilities outlining policies to facilitate the full integration and participation in society of persons with disabilities.

In 2001 the Disabilities Unit found employment for 26 persons, of whom 11 were hired on a permanent basis. In addition to the work experience program, the unit announced plans to acquire two buildings to be used for income generating activities and career counseling. In 2001 the unit began loaning wheelchairs to persons who otherwise would have not had access to wheelchairs. Despite these efforts, in September newspapers reported that a wheelchair-bound child with cerebral palsy was unable to attend classes at her new school in the north of the island because specially equipped buses did not run that far. After her transportation problems were highlighted in the press, a local charitable organization agreed to provide the necessary transportation. In addition, the Government announced that the Transport Board had purchased two adaptive buses and the disability unit purchased a 14-seat bus capable of accommodating 8 wheelchairs.

The Government launched a well-financed fight against the high incidence of HIV/AIDS. In addition to actions designed to limit the spread of the disease, the Govern-

ment initiated programs designed to assist persons living with HIV/AIDS and to discourage discrimination against infected persons. The Elroy Phillips Center, a residence facility for persons with HIV/AIDS, was in its 7th year of operation.

While there is no legislation mandating provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department set provisions for all public buildings to include accessibility to persons with disabilities. As a result, the majority of new buildings had ramps, reserved parking, and special sanitary facilities for such persons.

Section 6. Worker Rights

a. The Right of Association.—Workers freely exercised their right to form and belong to trade unions and to strike. Approximately 30 percent of the labor force belonged to trade unions. Overall union membership declined slightly during the year due to job losses in some industries. There were two major unions and several smaller ones, representing various sectors. The public service union, the National Union of Public Workers, was independent of any political party or the Government. Some officers of the largest union, the Barbados Workers' Union, were associated personally with the Democratic Labour Party. Most unions belonged to the Congress of Trade Unions and Staff Associations.

Employers have no legal obligation to recognize unions under the Trade Union Act of 1964, but most did so when a significant percentage of their employees expressed a desire to be represented by a registered union. While there is no specific law that prohibits discrimination against union activity, the courts provided a method of redress for employees who allege wrongful dismissal. The courts commonly awarded monetary compensation but rarely ordered reemployment. Legislation to address the union recognition process was still pending at year's end.

Trade unions were free to form federations and were affiliated with a variety of regional and international labor organizations. The Caribbean Congress of Labor has its headquarters in the country.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively. Normally, wages and working conditions were negotiated through the collective bargaining process, but in 1993 the Tripartite Prices and Incomes Policy Accord established a 2-year wage freeze. Since then, negotiated protocols contain provisions for increases in basic wages and increases based on productivity. Protocol Four, which covers 2001–04, was intended to encompass the needs of an increasingly global workforce as the Caribbean nations move towards the development of a single market economy and the free movement of skilled labor. It included an appendix covering the treatment of HIV/AIDS in the workplace. These protocols did not have the force of law.

The law accords full protection to trade unionists' personal and property rights. All private and public sector employees were permitted to strike, but essential workers may strike only under certain circumstances and after following prescribed procedures. The International Labor Organization (ILO) has criticized the Better Security Act of 1920, which provides that persons who willfully and maliciously break a contract knowing that it would cause injury to persons are liable for a fine or 3 months' imprisonment. The ILO asked that the law be amended on the grounds that it could be invoked in the case of a strike; the Government had not taken any action to do so.

In 2000 the nonunion Barbados Police Association supported the police over unfulfilled promises of increased wages and increased allowances. At year's end, the Government was still reappraising civil service salary scales. The Government insisted that the police should be included in this exercise and that they should not receive special treatment. In the interim, in keeping with promises made by the then-Attorney General, Parliament approved an allowance package for certain ranks of the police force.

There were no manufacturing or special areas where collective bargaining rights were legally or administratively impaired. There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced, compulsory, or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum working age of 16 was broadly observed. Compulsory primary and secondary education policies reinforced minimum age requirements (*see* Section 5). The Labor Department had a small cadre of labor inspectors who conducted spot investigations of enterprises and checked records to verify compliance with the law. These inspectors may take legal action against an employer who is found to have underage workers.

e. Acceptable Conditions of Work.—The law provides for and the authorities establish minimum wages for specified categories of workers. Only two categories of workers have a formally regulated minimum wage—household domestics and shop assistants (entry level commercial workers). Household domestics were entitled to a minimum wage of $0.75 (BDS$1.50) per hour, although in actual labor market conditions, the prevailing wage was triple that amount. There were two age-related minimum wage categories for shop assistants. The adult minimum wage for shop assistants was $2.13 (BDS$4.25) per hour and the minimum wage for 16- and 17-year-old shop assistants was $1.97 (BDS$3.95) per hour. The minimum wage for shop assistants was marginally sufficient to provide a decent standard of living for a worker and family; most employees earned more. Some persons also received remittances from relatives abroad or operated cottage industries to supplement their income.

The standard legal workweek is 40 hours in 5 days, and the law requires overtime payment for hours worked in excess. The Government accepts ILO conventions, standards, and other sectoral conventions regarding maximum hours of work. However, there was no general legislation that covered all occupations. Employers must provide a minimum of 3 weeks' annual leave. Unemployment benefits and national insurance (social security) covered all workers. A comprehensive, government-sponsored health program offered subsidized treatment and medication.

The Factories Act of 1983 sets the officially recognized occupational safety and health standards. The Labor Department enforced health and safety standards and followed up to ensure that management corrected problems cited. The Factories Act also requires that in certain sectors firms employing more than 50 workers create a safety committee. This committee could challenge the decisions of management concerning the occupational safety and health environment. Trade union monitors identified safety problems for government factory inspectors to ensure the enforcement of safety and health regulations and effective correction by management. The Barbados Workers Union accused government-operated corporations in particular of doing a "poor job" in health and safety. The Government pledged to undertake inspections of government-operated corporations and manufacturing plants, and the Labor Department's Inspections Unit conducted several routine annual inspections of such corporations. During the year, several workers died as a result of cave-ins or falls while digging deep trenches. These well-publicized incidents led to increased calls for more stringent safety standards. Workers had a limited right to remove themselves from dangerous or hazardous job situations without jeopardizing their continued employment.

f. Trafficking in Persons.—There were no laws specifically addressing trafficking in persons, although laws against slavery and forced labor could be applied. There were no reports that persons were trafficked to, from, or within the country.

BELIZE

Belize is a parliamentary democracy with a constitution enacted in 1981 upon independence from the United Kingdom. The Prime Minister, a cabinet of ministers, and a legislative assembly govern the country. The Governor General represented Queen Elizabeth II in the largely ceremonial role of head of state. Prime Minister Said Musa's People's United Party (PUP) held 26 of the 29 seats in the House of Representatives following generally free and fair elections in 1998. The judiciary was generally independent.

The Police Department had primary responsibility for law enforcement and maintenance of order. The Belize Defence Force (BDF) was responsible for external security but, when deemed appropriate by civilian authorities, could be tasked to assist the police department. Throughout the year, armed BDF soldiers routinely accompanied police patrols in Belize City in an attempt to reduce the worsening violent crime rate. The police reported to the Minister of Budget Management, Investment, and Home Affairs, while the BDF reported to the Minister of Defence and National Emergency Management. The civilian authorities maintained effective control of the security forces. Some members of the police committed human rights abuses.

The market-based economy was primarily agricultural, although tourism has become the principal source of foreign exchange earnings; the country's population was approximately 250,000. There was a very small industrial sector, comprised of limited agribusiness, clothing, and boat manufacturing. The agricultural sector was heavily dependent upon preferential access to export markets for sugar and for bananas. In 2001 gross domestic product grew at an annual rate of 4.6 percent, and

inflation was minimal. The gap between rich and poor was not a major societal concern.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Principal human rights abuses included alleged unlawful police killings, brutality and excessive use of force by some members of the police and prison guards, poor prison conditions, allegations of arbitrary arrest and detention, and lengthy pretrial detention, but the number of complaints of human rights abuse decreased from 2001. Violence and discrimination against women, abuse of children, and employer mistreatment of undocumented foreign workers also were problems. There were reports of trafficking in persons. Belize was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings by the security forces; however, there were some alleged unlawful or unwarranted killings by the police.

On January 9, police found the bodies of Kirk Thompson and Edmund Velasquez floating in the Old Northern River. Thompson and Velasquez were suspected of murdering a police officer, a security guard, and a businessman, and injuring another police officer. Several members of the police told the press the two men would never be taken alive. An autopsy found no signs of gunshot or puncture wounds and determined that the two drowned with no sign of foul play. Despite the autopsy, the victims' families and others remain convinced the police killed Thompson and Velasquez.

On September 27, two forestry officials and two police officers attempted to confiscate a quantity of illegally harvested mahogany at a remote site near the Ke'kchi Maya village of Otoxha but were prevented from doing so by the arrival of 30 Maya, armed with machetes. The Maya, who had been hired to cut the timber, said that the police could not take it because they had not been paid for their work; the police said the Maya advanced on them in a threatening manner. Although the police said they fired warning shots in the air, the police shot and killed two Maya and injured three others. The Government paid compensation to the families of the Maya who were killed and convened a Commission of Inquiry to investigate. The Commission's preliminary finding was that the police acted in self-defense.

On December 30, Albert Pennil was shot to death outside a restaurant in Belize City. The next day police arrested three suspects, one of whom was police constable Kevin Alvarez. In November 2001, the authorities fired Alvarez from the police force after a number of complaints about his behavior, including his alleged involvement in a lethal shooting and a beheading, but rehired him early in the year. Alvarez was expected to appear in court in January 2003.

In the September 2001 killing of Frederick Reynolds by police constable Mervin Vernon, in August the Director of Public Prosecutions (DPP) charged Vernon with manslaughter by negligence, and a trial was expected early in 2003.

In the October 2001 death of George Michael Hyde, the Human Rights Commission of Belize (HRCB) investigated and found the police action to be justified. At year's end, the coroner's inquests into the February 2000 death of Kelvin Barrow and the March 2000 death of prisoner Cecil Ramirez had been delayed because files were destroyed in a September fire at the Magistrate's Court.

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

On September 8, while on patrol, police constable Martin Castillo and two BDF soldiers (on assignment with the police) kidnaped two men in Belize City and turned them over to a suspected drug gang. Castillo and the soldiers were arrested as they were on their way to abduct a third person. The authorities charged the police constable with kidnaping but dropped all charges against the soldiers after they explained that they thought they were conducting legitimate police business.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture or other inhuman punishment; however, there were several reports that the police and prison staff used excessive force. Some of the most common complaints received by the office of the Ombudsman involved alleged misconduct and abuse by police and Department of Corrections personnel. The Ombudsman reported that the number of such reports decreased; however, a number of cases of alleged abused featured in the press were never reported to the Ombudsman's office. The Ombudsman stated that police use of force was appropriate

in the majority of cases he investigated, usually due to the complainant having resisted arrest, even if the level of force used was sometimes excessive.

The Police Department's internal affairs and discipline (IAD) section, the DPP, and the Ombudsman's office investigated allegations of abuse by officials. According to IAD, there were 322 sanctions against police officers for infractions during the year. The vast majority of these were for petty offenses, with 190 for being absent without leave. A small number of the offenses were more serious, including two convictions for using unwarranted personal violence, two for discharge of a weapon without cause, one conviction for negligent use of a firearm, and three for permitting a prisoner to escape.

An Amnesty International study found that human rights violations by police, the military, and prison guards were sporadic, but also found a general lack of systematic investigation and judicial followup when abuses were reported. In many cases, the Government ignored reports of abuses or withheld action until the case had faded from the public's attention, at which point no action was. Despite this generally poor approach, the Government did take action in a small number of cases.

On March 5, a four-person police patrol entered a store in Belize City, assaulted the owner and a customer, and stole some money, an event recorded on the store's surveillance system. The authorities arrested the four police officers and charged them with theft, conspiracy to commit theft, and two counts of common assault each.

On May 27, four inmates attempted to escape from Hattieville Prison. They were caught and brought to a room in the maximum-security section where prison officers beat them with batons and rifles, and officer Ean Daley shot each prisoner in the upper thigh. Over the next 2 days, human rights groups reported that a dozen other prisoners were severely beaten by guards. The authorities brought no criminal charges against any guard but dismissed Daley, who had been suspended in 2000 for beating and shooting a prisoner. At year's end, the Ombudsman was trying to convince the Government to bring charges against Daley.

In early December, a prisoner escaped from Hattieville Prison. He was recaptured but was injured in the process. Prison guards George Myvett and Joshua Trapp escorted the prisoner to a hospital for treatment. While at the hospital, the two guards began to beat the prisoner in front of witnesses. On December 17, the authorities fired both Myvett and Trapp from their jobs.

In April police used force to break up a peaceful protest march. Two civilians were shot, a number were beaten, and several hundred affected by teargas; several police officers were injured by thrown stones (*see* Section 2.b.).

Prison conditions were poor. Conditions at the country's only prison, in Hattieville, deteriorated since it opened in 1993. Although designed to house 500 inmates, it housed 917 male and 34 female prisoners, resulting in significant overcrowding. In the remand section, 151 detainees shared 13 15- by 20-foot cells, equipped with beds for only a quarter of that number. The remand section flooded in the rain, and the detainees shared one shower in an unlit room. Health, hygiene, and nutrition were problems at the prison. The prison had a medical clinic and nurse, but its budget for medical care was 26 cents (Bz$0.52) per prisoner per month. Prisoners often had to pay for their own treatment and medicine. The lack of a duty nurse on weekends contributed to the diabetes-related death of a prisoner on July 6. Meals were delivered to the prisoners in 5-gallon buckets on a wheelbarrow, and prisoners ate in their cells—often next to uncovered buckets used as toilets. These buckets were dumped into a ditch directly behind one cellblock, contaminating ground water and creating a breeding ground for insects.

Pretrial detainees were housed in overcrowded cells separate from convicted criminals. The prison psychiatrist provided mental health services; there was no separate facility for inmates with mental illnesses. First-time offenders were housed in the same building as those who committed capital crimes. Although the Assembly passed legislation that would reduce the number of first-time offenders sent to prison, the Government had only limited funding to support the proposed changes, such as developing community service projects to employ first-time offenders.

There were reports of physical brutality by prison wardens. Inmates claimed that guards sometimes beat troublesome prisoners and placed them in an isolation cell until their wounds healed. A common punishment was placing inmates in an unlit and unventilated punishment cell, and restricting their diet to bread and water. This cell was 8- by 10-feet, and held up to nine prisoners for as long as 1 month each. In addition, prisoners enforced their own code of conduct and attacked prisoners convicted of particularly serious crimes, such as child molestation. Incidents of gang- and drug-related violence in the prison continued. Frequent prison breaks, confiscation of weapons, and reports of beatings occurred throughout the prison's

history. During the year, prison authorities confiscated a large number of deadly weapons, including machetes and makeshift guns.

The prison included a separate facility for women, located about 200 yards outside the main compound. Conditions in the women's facility were significantly better than those in the men's compound. The 34 women held there occupied 17 cells; each inmate had her own bed. The facility was clean, and inmates had access to limited educational classes and vocational classes in computers.

The Government's efforts to rehabilitate prisoners decreased during the year. Its Youth Enhancement Agency closed, and minor prisoners were then housed in a separate boot-camp style section of the main prison. Opportunities for work or skills training at the prison were extremely limited. The prison's fish farm closed shortly after it opened due to lack of funds, and inmates no longer worked at a nearby citrus farm. Approximately 10 inmates took a welding class, a handful created mosaic tiles, and a limited number of others were allowed to work outside the prison, often in construction. There was a time-off program for good behavior.

In August the Government privatized the management of Hattieville Prison. The Government's Ministry of Home Affairs retained oversight responsibility, but management was taken over by the nonprofit Kolbe Foundation, created by members of the Prison Advisory Board and the local Rotary Club. Kolbe's first acts were to streamline finances and increase professionalism among the staff; by year's end it had acquired beds for most prisoners, and had almost completed building a mess hall and improving the kitchen. Kolbe believed it could improve the prison by reducing endemic waste and corruption, and by using unpaid prison labor on infrastructure projects.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest or detention, and the Government generally observed these provisions; however, there were occasional accusations of arbitrary arrest and detention.

Police were required to obtain a search or arrest warrant issued by a magistrate in most cases. The only exceptions were in cases of hot pursuit, when there was probable cause, or if there was suspicion a firearm was present. Customs officers could search a premise with a Writ of Assistance issued by the Comptroller of Customs. The law requires the police to inform a detainee of the cause of detention within 48 hours of arrest and to bring the person before a court to be charged formally within 48 hours. In practice the authorities normally informed detainees immediately of the charges against them.

Police were required to follow "The Judges' Rules," a code of conduct governing police interaction with arrested persons. In rare instances, entire cases were thrown out when the Judges' Rules were violated. More commonly, a confession obtained through violation of these rules was deemed invalid. Detainees were usually granted timely access to family members and lawyers, although there were occasional complaints that inmates were denied access or denied a phone call after arrest. Bail was available for all cases except murder and was granted in all but the most serious cases. In cases involving narcotics, the police cannot grant bail, but a magistrate's court may do so after a full hearing. Detainees sometimes could not afford bail, and backlogs in the docket often caused considerable delays and postponement of hearings, resulting in an overcrowded prison, and at times prolonged pretrial detention (*see* Sections 1.c. and 1.e.).

Immigration violators ordered deported often spent months in prison while the Government decided what to do with them. In April two Cubans illegally entered Belize, falsely claiming to be U.S. citizens. They were sentenced to 3 months in prison for immigration fraud; they applied for political asylum, which was denied. Despite their prison sentences having ended in July, the pair remained in prison until December (*see* Section 2.d.).

The Constitution forbids exile, and it was not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. In the past, judicial independence had possibly been compromised because some foreign judges had to negotiate renewal of their contracts with the Government, but judges now hold lifetime appointments (until the mandatory retirement age of 65). Only one of the four justices sitting on the Supreme Court was a citizen. There were 17 magistrates with 2 vacant positions; only 3 of the magistrates had a legal background. Every magistrate was a citizen. Most judges were members of the civil service and were routinely transferred between court and administrative postings. The few judges who were trained in law spend most of their career as a magistrate, but the majority were transferred on and off the bench. In May the Government appointed a new Director of Public Prosecutions, and for the first time, appointed him

to the job for life. The DPP reported no attempt at political interference in his job. The judiciary was seen as relatively honest; one corrupt Supreme Court justice was impeached and disbarred in January.

The judiciary consists of the alcalde courts (with jurisdiction over small civil claims and minor criminal infractions), the magistrate's courts, the Supreme Court, the Court of Appeals, and a family court that handles cases of child abuse, domestic violence, and child support. Those convicted by either a magistrate's court or the Supreme Court may appeal to the Court of Appeals. In exceptional cases, including those resulting in a capital sentence, the convicted party may make a final appeal to the Privy Council in the United Kingdom. Trial by jury was mandatory in capital cases.

Persons accused of civil or criminal offenses had constitutional rights to presumption of innocence, protection against self-incrimination, defense by counsel, a public trial, and appeal. Defendants had the right to be present at their trial unless the opposing party fears for his or her safety. In such a case, the court granted interim provisions under which both parties were addressed individually during a 5-day period.

Legal counsel for indigent defendants was provided by the State only for capital crimes. In 1999 the Government appointed an attorney to the Legal Aid Center to improve and strengthen legal aid services to the public. Most defendants could not afford an attorney, and these were convicted at a much higher rate than those with legal representation. The Legal Aid Center's staff attorney handled up to 150 cases a year, leaving the majority of defendants unrepresented. The judicial system was constrained by a severe lack of trained personnel, and police officers often acted as prosecutors in the magistrate's courts. At year's end, the DPP started hiring professional, full-time prosecutors to replace the largely untrained and inexperienced police prosecutors.

The family court is at the same level as the magistrate's courts; however, trials in cases that come before the family court generally were private. The convicted party in family court may appeal to the Supreme Court.

There were lengthy trial backlogs in the judicial system. Routine cases without a defense attorney were disposed of within 1 month, but cases involving a serious crime or where there was a defense attorney took up to 1 year. The Government briefly implemented a "fast track" trial court to cut the backlog, but the new Director of Public Prosecutions discontinued this process as unconstitutional. Despite an increase in serious crimes, poor case management, lack of attorney discipline, unreliable witnesses, and several cases that had been ongoing for years, the backlog of cases was shrinking.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respected these prohibitions, and violators were subject to legal action. However, disputes regarding the Government's exercise of eminent domain rights arose in the past and took some time to resolve.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these provisions in practice. The Constitution also permits the authorities to make "reasonable provisions" in the interests of defense, public safety, public order, public morality, or public health. These provisions include forbidding any citizen to question the validity of the financial disclosure statements submitted by public officials. Anyone who questioned these statements orally or in writing outside a rigidly prescribed procedure was subject to a fine of up to $2,500 (Bz$5,000), or imprisonment of up to 3 years, or both.

A wide range of viewpoints was presented publicly, usually without government interference, in 10 privately owned weekly newspapers, 3 of which were owned by major political parties. There were no daily newspapers. All newspapers were subject to the constraints of libel laws, but these laws had not been invoked in several years. Newspapers, especially the one owned by the opposition party, were routinely critical of the Government without fear of reprisal.

There were 11 privately owned commercial radio stations, including 1 British military station that broadcast news directly from London and other Caribbean nations. Popular radio call-in programs were lively and featured open criticism of, and comments on, government and political matters.

There were two privately owned television stations that produced local news and feature programming. There were also several cable television providers throughout the country that rebroadcast foreign stations. The Belize Broadcasting Authority

regulated broadcasting and asserted its right to preview certain broadcasts, such as those with political content, and to delete any defamatory or personally libelous material from political broadcasts. While this right exists, it has not been exercised in several years.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and for freedom of association, and the Government generally respected these rights in practice. Political parties and other groups with political objectives freely held rallies and mass meetings. The organizers of public meetings must obtain a permit 36 hours in advance of the meetings; such permits were not denied for political reasons and were granted routinely in practice.

On April 24, over 200 people demonstrated against an increase of bus fares in the town of Benque Viejo del Carmen. Police attempted to disperse the crowd, with some police pushing the demonstrators, some of whom responded by throwing sticks and stones. In the ensuing violence, Corporal Thomas Flores shot and severely wounded two people at close range with an M-16 rifle, and police beat a number of people and indiscriminately fired tear gas. The tear gas affected as many as 300 persons, including 60 elementary school students in a classroom. A police investigation found several officers used excessive force, but no criminal charges were filed against the police. Several protesters were charged, but their cases were postponed indefinitely.

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

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

The law provides for granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Until closing its Refugee Department in 1999, the Government cooperated directly with the office of the U.N. High Commissioner for Refugees (UNHCR). Since then, the UNHCR relied upon a local nongovernmental organization (NGO) to monitor the status of asylees and to represent its interests. It was unclear how many outstanding refugee or asylum claims there were as of year's end. Of the 39 cases pending from 2001, several became Belizean residents, mostly through marriage, and others left the country. There were 18 new cases during the year. The Government has not recognized any individual as a refugee since 1997 and had no procedure in place to accept or resettle refugees.

The Government last honored the principle of first asylum in the case of four persons in 1995.

Since 1999 the Government has not accepted asylum applications, and there was no mechanism to adjudicate asylum requests, nor any legislation that formalized the asylum process. An eligibility committee was reestablished early in the year and met once to discuss procedures, but no subsequent meetings were held. In April two Cubans applied for asylum. Lacking a formal mechanism to review their claim, the case went before the Supreme Court, which denied asylum. The Government could not afford to deport the two, so they remained incarcerated at Hattieville Prison, even though they were no longer serving any sentence (*see* Section 1.d.). In December the Government released them and ordered them to leave the country with another group of Cubans who had been denied asylum by the Magistrate's Court. The refugees requested they not be returned to Cuba, so instead the Government allowed them to depart the country by sea, possibly in boats donated by a local businessman. None of the Cubans had valid travel documents, and their destination was unknown.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country is a democracy governed by a national assembly with executive direction from a cabinet of ministers headed by Prime Minister Said Musa. The law requires national elections

every 5 years. The Government changed hands in August 1998 when the PUP won 26 of 29 seats in the House of Representatives in generally free and fair elections.

All elections were held by secret ballot, and suffrage was universal for citizens 18 years of age and older. National political parties included the People's United Party, the United Democratic Party (UDP), and the National Alliance for Belizean Rights. Another political party, calling itself "We the People," was formed in 2001 and planned to field a full slate of candidates in the next election. The country's ethnic diversity was reflected in each party's membership.

No laws impeded participation of women in politics, and 82 percent of both men and women were registered to vote. There were three women in the House of Representatives; two were elected Representatives and the other was appointed to serve as Speaker of the House. There were 5 women in the 12-member appointed Senate, and another woman served as president of the Senate. There was one woman in the Cabinet, and five women were chief executive officers of ministries. The Chief Elections Officer was also a woman.

There were no laws impeding participation by indigenous persons or minority groups in politics. There were Mestizo, Creole, Maya, and Garifuna representatives in the National Assembly. Voter registration and participation were not tracked by ethnicity; however, there were no complaints or reports of electoral discrimination on the basis of ethnicity.

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views. The main limitation on human rights monitoring was the limited number of NGOs in the country and their problems attracting funding.

The Human Rights Commission of Belize (HRCB), an NGO affiliated with regional human rights organizations and partly funded by the UNHCR, operated without government restriction on a wide range of issues, including migrant and agricultural workers' rights and cases of alleged police abuse. The HRCB published human rights complaints and urged police and other governmental bodies to act upon them. The HRCB gained prominence through media reports about its workshops and seminars that educate citizens about human rights.

In 1999 the Government created the position of Ombudsman to act as a check against governmental abuses. The Ombudsman stated in his third annual report that he received 334 formal complaints between April 2001 and March. While most complaints were against the Government, a number were against private entities. There were 109 complaints against the Police Department; 65 regarding the Lands Department; followed by the Department of Corrections with 25 complaints; and the Family Courts with 15 complaints. The Ombudsman received an average of five complaints of human rights violations each month, a number that decreased over the last 2 years. The Ombudsman investigated the majority of these cases and published his findings on many of them in the annual reports.

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

The Constitution prohibits discrimination based on race, place of origin, political opinion, color, creed, or sex. The country is multiracial and multiethnic, and discrimination was rare, although ethnic tension, particularly resentment of recently arrived Central American and Asian immigrants, continued to be a problem. The Government continued to reserve certain professions for citizens, granting permits and licenses to noncitizens only in specific cases. These occupations included fishing, souvenir manufacturing, sightseeing tours, accounting, insurance, real estate, and legal services.

Women.—Domestic violence against women was a worsening problem. The Family Violence Unit of the police recorded approximately 1,000 instances of domestic violence against women during the year. Two-thirds of the reported cases were from Belize City, the country's only urban center, although the amount of violence may have been underreported in other parts of the country where persons were reluctant to discuss or report it. A shelter for battered women offered short-term housing. The Belize Organization for Women and Development, an NGO, advised women on their rights and provided counseling.

Laws prohibit rape and sexual harassment. The police and courts began to treat rape more seriously than in previous years, but it was still not a priority. The Magistrate's Court reported five convictions for rape and one for attempted rape, with sentences ranging from 5 to 28 years. Arrests and convictions for rape were widely

covered in the press. The police and courts more strongly enforced statutory rape laws, with 27 convictions. The Criminal Code prohibits marital rape.

Adult prostitution is not illegal, although the law prohibits loitering for prostitution, operating a brothel, or for a man to solicit for prostitution. The laws, which carry penalties of fines up to $500 (Bz$1,000) or 1 year of imprisonment, were weakly enforced. Several prominent brothels openly operated, and sex tourism increased.

Despite constitutional provisions for equality, women faced social and economic prejudice. It was harder for women to find employment, and in 1999 the female unemployment rate was 20.3 percent compared with 9 percent for men. Most employed women were concentrated in female-dominated occupations with traditionally low status and wages. Although there was no statistical support for the claim, it was believed widely that women found it more difficult than men to obtain business and agricultural financing and other resources. In recent years the proportion of women in higher education increased, and 64 percent of students at the University of Belize were women.

The Women's Department in the Ministry of Human Development, Women and Children, and Civil Society is charged with developing programs to improve the status of women. A number of officially registered women's groups worked closely with various government ministries to promote social awareness programs. There were no legal impediments to women owning or managing land or other real property. Women were active in all spheres of national life, but relatively few held top managerial positions. However, women headed the Belize Business Bureau, the Belize Citrus Growers Association, several prominent environmental NGOs, and the Belize Rotary Club. The law mandates equal pay for equal work; however, women tended to earn less than men; in 1999 the median monthly income for a working woman was $290 (Bz$580) compared to $317 (Bz$634) for a man.

Children.—Education is compulsory for children between the ages of 5 and 15. After children finish their primary education, they may enter a secondary school, the Government-run apprenticeship program, or a vocational institution. However, these programs had room for only about one-half of the children finishing primary school; competition for spaces in secondary school was intense. Education was nominally free, but various school, book, and uniform fees placed education out of reach for many poor children. There were also many truants and dropouts. Religious organizations administered a number of educational institutions, including a majority of primary schools and the most prestigious girls' and boys' secondary schools.

The Family Services Division in the Ministry of Human Development, Women and Children, and Civil Society was devoted primarily to children's issues. The division coordinated programs for children who were victims of domestic violence, advocated remedies in specific cases before the family court, conducted public education campaigns, investigated cases of trafficking in children (*see* Section 6.f.), and worked with NGOs and UNICEF to promote children's welfare. The National Committee for Families and Children included a representative from the Ministry of Human Development, Women and Children, and Civil Society.

Child abuse was not considered to be widespread or a societal problem; the Family Violence Unit recorded around 100 cases of domestic violence against children a year, nationwide. The 1998 Families and Children Act allows authorities to remove a child legally from an abusive home environment, removes the limit placed on child support that a parent must pay, and allows men to file for support, as well as women. It requires parents to maintain and support children until they reach the age of 18, compared with the previous law's mandate of support until the age of 16. The law also accepts DNA testing as legal proof of paternity and maternity. It requires that all adoptions be reported to the Human Development Department of the Ministry of Human Development, Women and Children, and Civil Society, and that prospective parents be screened before they may adopt a child. In January the Minister enacted a statutory instrument to strengthen the Families and Children Act to help prevent child abuse and aid prosecution. The National Organization for the Prevention of Child Abuse and Neglect (NOPCAN) instituted a nationwide telephone help line to encourage discourse and reduce abuse.

A practice that occurred throughout the country was that of parents selling their female children to an older man, often a friend of the family (*see* Section 6.f.).

Persons with Disabilities.—The law does not provide specifically for accessibility for persons with disabilities or prohibit job discrimination against them. The Government's Disability Services Unit, as well as a number of NGOs, such as the Belize Association of and for Persons with Disabilities and the Belize Center for the Visually Impaired, provided assistance to such persons. Children with disabilities had access to government special education facilities, although the requirements to enter such programs were strict.

Indigenous Persons.—Among the country's indigenous people, the Mopan and Ke'kchi were grouped under the general term Maya, although their leaders stated that they should be identified as the Masenal, meaning "common people." The Maya sought official recognition of their communal claims to land, but the Government was reluctant to single out one ethnic group for special consideration. The Government designated 77,000 acres as 9 separate Mayan reserves; however, Mayan leaders claimed that the Maya have an ancestral claim to a total of 500,000 acres. The Maya formed cultural councils and other groups to advance their interests, sometimes with the collaboration of NGOs concerned with environmental and indigenous issues. Several Mayan organizations filed suit to force the Government to recognize the Maya's ancestral land claims and to prevent further granting of logging concessions on the disputed land. At year's end, the suit was still pending in civil court.

In 2000 the Government and the Mayan People of Southern Belize (a loose association of Mayan and nongovernmental groups) signed a collective agreement to address the grievances set forth in a petition by Mayan community leaders in 1998. The Mayan people live in the south, the poorest region of the country and the area that received the least government funding. On December 19, the Government signed an agreement with the Maya Leader's Alliance to begin implementing phase one of the 2000 agreement.

Section 6. Worker Rights

a. The Right of Association.—By law and in practice, workers generally were free to establish and join trade unions. Seven independent unions, whose members constituted approximately 11 percent of the labor force, represented a cross-section of workers, including most civil service employees. The Ministry of Labor recognizes unions after they file with the Registrar's Office. Unions may organize freely, and the law requires employers to recognize unions when a critical level of membership is reached. The law empowers members to draft the bylaws and the constitutions of their unions, and they were free to elect officers from among the membership at large. Unions that chose not to hold elections may act as representatives for their membership, but the National Trade Union Congress of Belize permitted only unions that held free and annual elections of officers to join its ranks. Both law and precedent effectively protect unions against dissolution or suspension by administrative authority.

Although no unions were affiliated officially with political parties, several were sympathetic to one or the other of the two main parties (the PUP and the UDP).

The Constitution prohibits antiunion discrimination both before and after a union is registered. However, since 1989 the ILO has been drawing the Government's attention to the need to ensure that workers benefit from adequate protection against antiunion discrimination, stating that the fine of $125 (Bz$250) does not exert a sufficiently dissuasive effect against actions of antiunion discrimination. According to the Trade Unions and Employers Organizations Act, any worker who is a victim of antiunion discrimination can seek redress in the Supreme Court with allowable judgments of up to $2,500 (Bz$5,000). Some employers have been known to block union organization by terminating the employment of key union sympathizers, usually on grounds purportedly unrelated to union activities. Effective redress was extremely difficult to obtain in such situations. Technically, a worker could file a complaint with the Labor Department, but in practice it was difficult to prove that a termination was due to union activity.

Unions freely exercised the right to form federations and confederations and affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining and unions practice it freely throughout the country. Employers and unions set wages in free negotiations, or, more commonly, employers simply established them. The Labor Commissioner or his representative acted as a mediator in deadlocked collective bargaining negotiations between labor and management, offering nonbinding counsel to both sides. Historically the Commissioner's guidance has been accepted voluntarily. However, should either union or management choose not to accept the Commissioner's decision, both were entitled to a legal hearing of the case, provided that it was linked to some provision of civil or criminal law.

The law permits unions to strike and does not require them to give notice before going on strike. However, this right was limited for public sector workers in areas designated as "essential services." Both the ILO and the International Confederation of Free Trade Unions have found the Government's definition of essential services to be overly broad and an infringement on some workers' right to strike. The Essential Services Act also empowers the Government to refer a dispute to compulsory arbitration to prohibit or terminate a strike.

There was one strike during the year. On March 12, an estimated 2,500 members of the National Teachers Union held a 1-day strike in Belmopan to protest low wages. The Government began negotiations with the union and agreed to a pay raise in late December. In the year's only other labor action, the Belize Agricultural Health Authority (BAHA) held a "work to rule" protest the last week of November. BAHA's workers were protesting management's refusal to recognize the Public Service Union as the workers' representative, the unilateral imposition of new employment conditions, and the termination of three employees. The protest ended when management agreed to enter a dialog with the union.

The Labor Code applies in the country's export processing zones (EPZs). There were no unions in the EPZs.

c. Prohibition of Forced or Bonded Labor.—The Constitution and laws forbid forced, compulsory, or bonded labor, including that performed by children, and it generally was not known to occur. However, there were instances of Chinese migrants being forced to work in local (Chinese-owned) sweatshops. Members of the East Indian community also imported employees from India in effect as bonded labor, holding their passports and paying less than minimum wage. In at least one case, the employer arranged for an Indian employee to be deported when the employee asked for his salary after 2 years' work.

The ILO Committee of Experts criticized a section of the Trade Union Act that calls for the penalty of imprisonment (involving, according to prison rules, an obligation to work) for an employee of the Government, municipal authority, or any employer in charge of supplying electricity, water, railway, health, sanitary or medical services or communications who breaks a contract of service, knowing that the probable consequence will be injury, danger, or grave inconvenience to the community.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Act prohibits all employment of children under age 12 and prohibits employment of children between the ages of 12 and 14 before the end of school hours on official school days. However, there was a long tradition of children's employment on family farms and in family-run businesses, which the law allows. The minimum age for employment was 17 years for work near hazardous machinery. Inspectors from the Departments of Labor and Education enforced this regulation.

A January 2001 NOPCAN report stated that child labor existed in many forms in the Corozal district, with children working as shop assistants, gasoline attendants, and cane farmers. In 1999 the ILO estimated that 2 percent of children between the ages of 10 and 14 were working. In the rural regions, children worked on family plots and businesses after school, on weekends, and during vacations and were involved in the citrus, banana, and sugar industries as field workers. In urban areas, children shined shoes, sold newspapers and other small items, and worked in markets. Teenage girls, many of whom were migrants from neighboring Central American countries, worked as domestic servants, and some were rumored to work as bar maids and prostitutes. Other reported instances of violation of child labor laws were rare; one report that received wide exposure involved the employment of 16- to 18-year-olds in the Commercial Free Zone, an EPZ near the Mexican border, where the teenagers reportedly worked during school hours and for longer hours than allowed by law.

e. Acceptable Conditions of Work.—The minimum wage was $1.12 (Bz$2.25), except in export industries, where it was $1.00 (Bz$2.00) per hour. For domestic workers in private households and shop assistants in stores where liquor was not consumed, the rate was raised to $1.00 (Bz$2.00) per hour during the year. The minimum wage law did not cover workers paid on a piecework basis. The Ministry of Labor was charged with enforcing the legal minimum wage, which generally was respected in practice. The minimum wage as sole source of income did not provide a decent standard of living for a worker and family. Most salaried workers received more than the minimum wage.

The law sets the normal workweek at no more than 6 days or 45 hours. It requires payment for overtime work, 13 public holidays, an annual vacation of 2 weeks, and sick leave for up to 16 days. An employee is eligible for severance pay provided that he was employed continuously for at least 5 years.

The exploitation of undocumented Guatemalan, Honduran, and Salvadoran workers, particularly young service workers and some agricultural workers, continued to be a problem. Health clinics in the region reported that the most frequently treated ailments were pesticide-related skin conditions. During the year, 200 families of banana farm workers were given housing off the farms. The company that buys all the country's banana exports built and donated the village of San Juan to its workers. The Government provided land for the village of Bella Vista, and the European

Union provided water and electricity. Local NGOs reported that banana workers no longer lived near where pesticides are sprayed.

A patchwork of health and safety regulations covered numerous industries, and the Ministry of Labor enforced these regulations to varying degrees. Enforcement was not universal, and the ministries committed their limited inspection and investigative resources principally to urban and more accessible rural areas where labor, health, and safety complaints had been registered. Workers had the legal right to remove themselves from a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons.—The law prohibits certain types of trafficking in persons, and there were reports that persons were trafficked to the country. The Criminal Code does not specifically mention trafficking in persons, but outlaws procuring for sexual purposes. The Summary Jurisdiction (Offenses) Act outlaws maintenance of a brothel, living off of the earnings of prostitution, and solicitation. The maximum sentence for operating a brothel was a $250 (Bz$500) fine or up to 6 months in prison. The maximum fine for living off of the earnings of prostitution was $50 (Bz$100) or up to 6 months in prison. Enforcement of these laws was rare. Two brothel owners were arrested during the year for employing foreign prostitutes, but they were only charged for immigration violations.

The Ministry of Human Development, Women and Children, and Civil Society, the police, and Immigration all have the authority to investigate cases of trafficking in women or children. In practice, Immigration handled most suspected cases of trafficking. On December 6, Immigration raided a number of brothels in Orange Walk and apprehended 26 female immigrants working as prostitutes—23 from Guatemala and 3 from El Salvador. Most were legal residents; only three were found to be illegally in the country and were deported. All were over 18 years of age, and none complained of coercion.

In 2001 the National Committee for Families and Children (NCFC) and UNICEF commissioned a study of sex trafficking, which concluded that many minors were involved in the sex industry and that some women and children were trafficked to Belize from other Central American countries. NCFC's report found that approximately 35 percent of those working in the sex industry were under age 18 (the Corozal region ranked the highest, with 45 percent of sex workers reportedly being minors), with the youngest girls being only 13 years old. The majority of women working in brothels were from Honduras, El Salvador, and Guatemala; many had worked in the sex industry in their home countries, but came to earn more money as a prostitute in Belize. According to this report, very few claimed to have been coerced or tricked into coming to the country.

In February International Human Rights Law Institute (IHRLI), an NGO, investigated sex trafficking in Belize and found reports of women who were lured to the country under false pretences. The IHRLI study cited two public health workers who believed that up to one-half of all prostitutes had been tricked into coming to Belize. IHRLI also found that the brothel owners kept the personal documents and passports of many of the prostitutes to keep them at the brothels. The report acknowledged that much of its information was anecdotal, from secondary sources.

An NGO representative who distributed condoms and taught HIV awareness in organized brothels reported that he had not met a single prostitute who was coerced or tricked into coming to the country. He believed most prostitutes were adults, with only an estimated 5 percent being under 18, and reported that bar owners traded the women around the country, but only with the women's consent.

The NCFC and IHRLI reports also found many instances of minors engaged in prostitution with an older man, in some case of their own volition, in others arranged by their family. These girls were typically of high-school age, but some as young as 13 were reported, and came from economically disadvantaged families. They provided sexual favors to an older man in return for clothing, jewelry, or school fees and books. In a limited number of cases where the Government attempted to prosecute the men for unlawful carnal knowledge, these efforts were usually stymied by the unwillingness of the girls' families to press charges. In some cases, at least one of which involved a 13-year-old, the family coerced the man to marry their daughter to avoid criminal charges.

There were few confirmed cases of trafficking in children for the purpose of prostitution. On May 3, police arrested Norma Patricia Moz and John Majarrez. Moz, a recent immigrant from El Salvador, had allegedly sold her 10- and 13-year-old daughters to elderly businessman Majarrez for sexual purposes. A police medical exam confirmed that both of the girls had been raped. Majarrez was charged with one count each of carnal knowledge and indecent assault and two charges of com-

mon assault. Moz was initially indicted for procuring, but those charges were dropped in December.

BOLIVIA

A constitutional, multiparty democracy with an elected president and bicameral legislature, Bolivia has separate executive, legislative, and judicial branches of government, with an attorney general independent of all three. President Gonzalo Sanchez de Lozada of the Nationalist Revolutionary Movement (MNR) took office on August 6 after he was elected by a joint session of the Bolivian Congress following the June 30 national election, in which the MNR won a plurality of the vote. The governing coalition controlled both houses of the legislature. Coalition members held the top leadership positions in both chambers. The executive and legislative branches suffered from corruption and inefficiency. The judiciary, while generally independent, also suffered from corruption and inefficiency.

The National Police have primary responsibility for internal security, but military forces can be called upon for help in critical situations, and this occurred during the year. The Judicial Technical Police (PTJ) conducts investigations for common crimes (cases that do not involve narcotics). The police provided security for coca eradication work crews in the Chapare region, a tropical area where illegal coca is grown. The Special Counternarcotics Force (FELCN), including the Mobile Rural Patrol Unit (UMOPAR), is dedicated to antinarcotics enforcement. The Expeditionary Task Force (FEC), a military force composed of conscripts who had completed their obligatory service and commanded by active duty military officers, was disbanded in July. Civilian authorities generally maintained effective control over the security forces; however, at least one member of these forces was convicted of human rights abuses.

The country has a market-oriented economy. There is extensive poverty, and 58.6 percent of the population of 8.3 million lived below the poverty line. Many citizens lacked access to such basic services as potable water, sewage, electricity, and primary health care. The country is rich in minerals and hydrocarbons; however, most workers were engaged in traditional agriculture, and many citizens were barely linked to the cash economy. The Government remained heavily dependent on foreign assistance to finance development projects.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Legal and institutional deficiencies prevented the full protection of citizens' rights. Security forces killed five protesters and injured dozens of others in violent demonstrations during the year. Five members of the security forces were killed and dozens of others injured, allegedly by militant cocaleros (illegal coca growers). There were unconfirmed allegations of torture by the police and security forces. There were credible reports of abuses by police, including use of excessive force, petty theft, extortion, and improper arrests. Investigations of alleged official abuses moved slowly. Prison conditions were harsh, and violence in prisons was a problem. At times police arbitrarily arrested and detained persons. Prolonged detention due to antiquated procedures, inefficiency, and corruption in the judicial system remained a serious problem, although this began to change in 2001 with the implementation of the new Code of Criminal Procedures (CCP). The Government enacted a new Public Ministry Law to adapt the prosecutorial function of the judicial system to the requirements of the CCP. There were reports that the Government infringed on citizens' property rights. Other problems included domestic violence and discrimination against women, abuse of children, discrimination against and abuse of indigenous people, discrimination against Afro-Bolivians, child labor, inhuman working conditions in the mining industry, and trafficking in persons. Bolivia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of politically motivated killings committed by government agents; however, security forces allegedly killed five protesters during violent demonstrations. Most deaths and injuries occurred in or near the Chapare where cocaleros often violently opposed the security forces' attempts to enforce the law and reduce the illegal coca crop that is used mainly to manufacture cocaine. Some human rights groups blamed the forced eradication for the violence, and cocaleros demanded its suspension, often by blocking a strategic highway used to transport legal crops to market.

On January 15, violent protests erupted in the town of Sacaba, Cochabamba, as police responded to cocalero protests against a decree banning the transport and sale of illegal coca leaf from the Chapare. Sacaba has a legal market for coca from the Yungas, and the market's closure was not the intended object of police actions. However, thousands of demonstrators entered the offices of the General Coca Directorate (DIGECO) and the main market, setting fire to 25 vehicles and damaging other property. Police responded with tear gas, rubber bullets, and live ammunition. On January 16, violence escalated, and a number of injuries were reported on both sides. Demonstrators Fidel Montano Espinoza and Fortunato Markani Limachi were killed by gunfire, but it was not clear who fired the shots. On January 17, cocaleros again entered the coca market, and violent clashes ensued. The next day, four members of the security forces were found dead. Police arrested over 70 cocalero leaders in an attempt to quell the disturbances; all were released shortly afterwards, but some complained of mistreatment by police under the command of Colonel Eduardo Wayar. At year's end, several investigations were underway to determine responsibility in the various incidents.

On January 22, in Cochabamba, 67-year-old Filomena Soliz Terceros was allegedly struck on the head by a tear gas canister fired by police during a violent demonstration. Soliz apparently fled into the market during the confusion, where she was struck by a projectile and rendered unconscious. She was evacuated to Viedma hospital where she died on January 27. Authorities investigated the case and concluded that her death was accidental.

On January 29, in Sinahota, Chapare, FEC soldiers led by army Colonel Aurelio Burgos Blacutt confronted a group of cocalero demonstrators attempting to block the strategic Cochabamba-Santa Cruz highway. According to reports, the FEC soldiers tried to disperse the crowd by firing shots into the air. Other accounts state that the group had just completed an uneventful march and were resting and chewing coca leaves when the soldiers fired into the crowd and attacked them without warning. According to some witnesses, Burgos aimed and fired his sidearm directly at Marcos Ortiz Llanos, who died shortly after being evacuated to Villa Tunari hospital. The witnesses also claimed that Burgos beat them as they tried to render assistance to the stricken Ortiz. The military investigated the shooting and exonerated Burgos, concluding that the officer found Ortiz already wounded and only gestured at him with his pistol while giving orders. The military reported testing Burgos' weapon and determined that it had not been recently fired, although it was not clear whether ballistics tests were conducted. The Attorney General's office opened a parallel investigation into the case but concluded that there was insufficient evidence to bring charges against Colonel Burgos.

On February 5, in Sinahota, Roberto Vargas Villareal died of cardiac arrest following his participation in a peaceful demonstration. According to his family, Vargas was exposed to large quantities of tear gas the previous day in Cochabamba during violent demonstrations. Some individuals charged that the exposure to tear gas caused Vargas' death; however, no medical examination corroborated their contention.

On February 7, Segindina Ichuta Mamani was struck on the head by a rock as she traveled in an open truck along the Cochabamba to Oruro highway. She died shortly afterwards from the injury in Oruro's General Hospital. Although it was not established who threw the rock, some individuals blamed Ichuta's death on the violence surrounding the earlier police crackdown in Sacaba.

On October 6, near Ichoa Alto in the Chapare, a group of approximately 300 cocaleros armed with stones and dynamite sticks surrounded and harassed a Joint Eradication Task Force (FTC) group engaged in coca plant eradication. The FTC security unit fired shots, and cocalero Gabino Toledo was killed, and two others, Erasmo Aguirre Aguirre and Diogenes Melgarejo Candia, were wounded. Cocaleros reportedly did not allow officials access to Toledo's body for examination. The cocaleros later pulled a nearby UMOPAR police officer from his car, beat and then released him, and burned the vehicle. An investigation determined that the police acted in self-defense; no one was charged in the beating of the UMOPAR police officer.

There were several deaths due to violence in the prisons during the year (*see* Section 1.c.).

In September approximately 1 year after the shooting death of Ramon Perez, policeman Macarlo Wilfredo Beltran was tried, convicted of "negligent and imprudent" homicide, and sentenced. Perez was killed when security forces fired shots at a group of protesters attempting to occupy a camp for coca eradication workers near Loma Alta in the Chapare. The judge who convicted Beltran suspended his 3-year jail sentence under light conditions and restrictions.

In December 2001, FEC soldier Juan Eladio Bora shot and killed Casimiro Huanca Coloque, a leader in the Chimore Coca Growers Federation, during a confrontation between the FEC and cocalero protesters seeking to block the Cochabamba-Santa Cruz highway. A second protester, Fructuoso Herbas, was shot in the shin, resulting in the amputation of his leg. A military court determined that security forces acted in self-defense, and it did not charge Eladio Bora. However, the court sanctioned his commanding officer, Lieutenant Heriberto Ramos Salazar, with a 72-hour house arrest for failure to maintain discipline. A separate civilian investigation by the Public Ministry similarly concluded that there was insufficient evidence to charge Eladio Bora.

In the case of Richard Cordoba, who died in February 2001 as a result of asphyxiation through hanging while in police custody in Cochabamba, the PTJ investigated, and the authorities charged at least five police officers in the death. The trial was in its final phase at year's end, and a verdict was imminent.

There was no progress in the November 2001 killing of 3 protesters (Maximo Rojas, Abel Orozco, and Claudio Quiroga Herrera) and injury of more than 13 others in violent clashes with security forces near Senda Seis in the Chapare. According to the Government, a crowd of demonstrators formed around security forces; the security forces first fired warning shots and then, following training doctrine, fired at the feet of the protesters. The Government theorized that several bullets may have ricocheted and struck the demonstrators, causing the deaths and injuries. Human rights organizations disputed the Government's version of events, but public prosecutors concluded there was insufficient evidence to charge any members of the security forces, and no further action appeared likely.

In October 2001, Nilda Escobar Aguilar was killed near Los Amigos, Central Isarzama in the Chapare, when she was struck in the head by a tear gas canister during a clash between demonstrators and security forces. The Attorney General's office continued to investigate his case after receiving new information.

In connection with the November 2001 deaths of 7 persons and injuries to 20 others in clashes between landless peasants and small landowners in Pananti near Yacuiba, the authorities arrested nine campesinos and eight landowners. In November a court in Tarija convicted the landowner defendants of "brawls and fighting," and the judge suspended their 3-year sentences. A separate trial was scheduled for the campesino defendants under the new oral arguments trial system. Dissatisfied with the trial results and the Attorney General's investigation, the NGO Permanent Assembly for Human Rights in Bolivia (APDHB) referred the case to the Inter-American Commission on Human Rights.

In December 2001, security forces and squatters clashed near Yapacani, a town near the Chapare, reportedly resulting in injuries to a number of police and squatters, and the gunshot death of one civilian, Jose Luis Velazquez. Local police reportedly said that they were attacked while attempting to lift a blockade, but a relative said Velazquez was not involved in the protests. There were no further developments in the case, and none appears likely.

The military justice system closed the April 2000 case against Captain Robinson Iriarte Lafuente, who was videotaped in civilian clothes kneeling alongside troops and firing a rifle during the April 2000 disturbances in Cochabamba.

There was no progress in the case of Miguel Angel Rivero Siles, who died in 1999 from severe burns suffered in a solitary confinement cell at San Sebastian prison in Cochabamba. Charges against police at the prison remained pending at year's end.

The 1999 case of Carlos Freddy Cano Lopez, who died of burns after his arrest, continued to work through the court under the old trial system. Cano's widow continued to press charges against policeman Carlos Balderrama and others implicated in the case. At year's end, the Attorney General's office reported that the trial was in its final stage.

There was no progress in the 1998 case of five civilian deaths in the Chapare and further progress appeared unlikely.

There was no progress in the 1996 cases against officers accused of responsibility for violence in countering a protest that resulted in civilian deaths in Amayapampa areas of Potosi Department, and none appeared likely. In December the Attorney General closed cases against then-President Gonzalo Sanchez de Lozada and other senior officials for their alleged involvement in the cases.

The Government's delay in completing effective investigations and identifying and punishing those responsible for either civilian or security force deaths resulted in a perception of impunity. However, the Congressional Human Rights Committee, the Ombudsman's office, the Ministry of Justice and Human Rights, and NGOs continued to press the Government to expedite action in the cases.

There were reports of killings of government security forces by nongovernmental actors. On January 17, during violent confrontations in Sacaba, 4 members of the security forces were killed and approximately 60 more were injured in the days after the demonstrations. Army conscripts Waldo Cartagena and Humberto Pinaya died from gunshot wounds fired by snipers, and policeman Antonio Gutierrez and Army Second Lieutenant Marcelo Trujillo Aranda died of strangulation and trauma to the head. Their bodies showed signs of torture and appeared to have been severely beaten by rocks and dragged approximately 2 miles to where they were killed. The Government believed that illegal coca growers were responsible for the four deaths, and investigations continued at year's end.

On October 4, in Majo, south of Chimore, Marine conscript and FTC member Robin Huanacoma was critically wounded when he triggered a buried explosive booby trap while eradicating illegal coca plants. Huanacoma was evacuated to a hospital in Santa Cruz where he died a few hours later. Authorities suspected militant cocaleros of planting the device and confirmed that some cocaleros received special training on the handling of firearms and the fabrication of homemade mines from individuals opposed to eradication. The case was under investigation at year's end, but it appeared unlikely that those responsible would be identified.

There was no progress in the investigation of the 2000 killings of four security officials and the spouse of one security official who disappeared in the Chapare during violent disturbances and were later found tortured and killed. Another security official was still missing and presumed dead. The Government believes that illegal coca growers were responsible for the deaths of the security officials, but it appeared unlikely that evidence would be found to prosecute a case.

On November 17, at Sindicato Los Yukis, near Yapacani, approximately 30 armed and hooded men invaded a building of the Federation of Colonizers and shot and killed campesino Luciano Jaldin Fermin. A week later, the bodies of three other men (Ricardo Rojas Caravallo, Martin Condori, and Wilber Nunez Flores) were found nearby in the jungle; autopsies revealed signs of torture and strangulation. A local landowner was suspected of hiring the gunmen who killed Jaldin; however, responsibility for the killings of the other individuals remained unclear, and the Attorney General's office was investigating the cases at year's end.

There were several reported cases of alleged criminals lynched or burned by civilians, sometimes resulting in death, for their alleged crimes.

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

On December 10, the President submitted a bill to Congress that would make disappearance a crime punishable by up to 30 years in prison.

The case of Juan Carlos Trujillo Oroza, who disappeared during the 1971–78 de facto regime of President Hugo Banzer, was reopened pursuant to a November 2001 ruling of the Constitutional Tribunal, but further developments appeared unlikely.

The death in mid-year of Hugo Banzer ended any further action on the December 2001 international arrest warrant that an Argentine judge had filed for the former president to face legal proceedings in Argentina for his alleged role in "Plan Condor" in the mid-1970s.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and the Government generally respected these provisions; however, there were a number of allegations of torture, beatings, and abuse by members of the security forces.

Security forces clashed with demonstrators on several occasions during the year, resulting in the deaths of five demonstrators and dozens of injuries (*see* Sections 1.a. and 2.b.). In January dozens of protesters were injured during clashes between violent demonstrators and government security forces in Sacaba. At least some of the injuries were attributed to rubber bullets used by the security forces. Investigations into these incidents were pending at year's end.

There were allegations that security officials beat cocalero leaders whom they detained in Sacaba during the January disturbances and that they beat other civilians to try to learn the names of those responsible for security officers' deaths. At year's end, the Public Ministry continued investigating the allegations to determine the security units and commanders involved.

There also were credible allegations that military commissioned and noncommissioned officers beat and otherwise mistreated military conscripts. For example, Colonel Rory Barrientos, the Commander of the 2nd Ecological Battalion, allegedly beat conscripts in four separate incidents but reportedly was only lightly sanctioned by the military. In October the Permanent Assembly for Human Rights (APDH) sought charges against Barrientos in a civil court, and the Human Rights Ombudsman's office began an investigation into his actions. Barrientos was suspended from duty and received unspecified sanctions from a military court.

On November 10, in Cochabamba, army Major Luis Fernando Garcia, in an apparently inebriated state, shot and wounded Jose Luis Alvarez, whom Garcia may have misidentified for an assailant who had accosted him earlier. Police arrested Garcia, who remained in jail at year's end awaiting trial.

Pursuant to agreements with the Human Rights Ombudsman's office and the Ministry of Justice and Human Rights, the Armed Forces between 1999–2002 provided human rights training for 1,110 instructors and approximately 30,000 recruits.

Several police officers were fired and charged for off-duty crimes, and a number were dismissed for corruption. However, the police generally did not investigate their own colleagues, and prosecutors were reluctant to prosecute security officials for alleged offenses committed while on duty. The FELCN internal affairs unit investigates allegations against FELCN officers of malfeasance, wrongdoing, and human rights abuses.

Approximately 6,000 FELCN members, PTJ members, lawyers, law students, prosecutors, judges, and NGO representatives received training on the new Code of Criminal Procedures over the last 3 years. During the year, policemen and military officers received crowd control training that emphasized respect for human rights and internationally accepted principles of crowd control. FELCN officers also received training over the last 3 years on human rights issues incorporated in general counternarcotics training. Basic FELCN and UMOPAR training includes a human rights module.

Indigenous communities in areas with little or no central government presence imposed punishment that reportedly included the death penalty for members who violated traditional laws or rules, although the Constitution prohibits the death penalty.

In attacks on government security forces and coca eradication crews, militant cocaleros killed five members of the security forces and injured more than 70 others.

On September 3, near Guadalupe in the Chapare, approximately 70 cocaleros armed with weapons and dynamite confronted a FTC group preparing to eradicate coca plants. Police fired tear gas to disperse the crowd. In the ensuing skirmish, Fructuoso Apaza struck armed policeman Silverio Chinchi Plata with a machete on the head and shoulder, severely wounding him. The policeman was evacuated to a hospital in Santa Cruz. Apaza, who suffered broken ribs during his arrest, was charged with attempted murder; at year's end, he was free on bail while the case remained under investigation.

On October 19, near Alto San Pablo in the Chapare, Army conscript Jose Luis Aramayo suffered leg and abdomen injuries when his pick struck a booby trap while he and his JTF companions were eradicating coca. The JTF commander said that 12 such homemade mines were found and deactivated in the area in previous weeks. Officials suspected cocaleros of planting the devices, but it appeared unlikely that those responsible would be found.

On November 16, during routine eradication activities, four Navy members of the Joint Eradication Task Force were injured when a booby trap exploded at an eradication site near San Pablo, south of Chimore. Injuries to three of the eradicators (Armando Arteaga, 19, Aurleio Sejas Soliz, 18, and Edilberto Gonzales Teran, 22) were relatively minor, and they were treated at the eradication camp. The fourth, Juan Marcelo Chicoba, 22, was injured more seriously and was evacuated to Santa Cruz where he was treated and later discharged. Following the incident, UMOPAR commander Hernan Capriolo said that 25 booby traps had been deactivated in the area during the preceding 15 days. The Ministry of government also said that some peasants in the Chapare had received training by individuals opposed to anti-drug efforts, in the handling of firearms and the fabrication of booby-traps.

Prison conditions were harsh. Prisons were overcrowded and in poor condition. With the exception of the maximum-security prison of Chonchocoro in El Alto, government authorities effectively controlled only the outer security perimeter of each prison. Inside prison walls, prisoners usually were in control. Violence between prisoners and, in some cases, the involvement of prison officials in violence against prisoners were problems. Corruption was a problem among low-ranking and poorly paid guards and prison wardens. Detention centers, which are supposed to house the accused prior to the completion of their trials and sentencing (if convicted), also were overcrowded. Convicted criminals often were housed in detention centers on a judge's orders because of overcrowding in the larger prisons.

According to the Director General of the Penal System in the Ministry of government, as of December, there were 5,535 prisoners in facilities designed to hold 4,700 prisoners. Nearly 90 percent of prisoners (almost 90 percent of them men) were held in prisons in the major cities. The majority of all prisoners were held for narcotics crimes. The Pardon and Extraordinary Freedom Jubilee 2000 Law, as amended, re-

duced the overcrowding. The law pardoned prisoners under the age of 21 or over the age of 60; reduced felony sentences by one-third for all prisoners sentenced prior to August 2000; and pardoned prisoners who are parents of minor children and have completed at least 50 percent of their sentences. Reductions in felony sentences were not extended to prisoners convicted of murder, parricide, or treason, nor to most prisoners convicted of terrorism, rape, or narcotics trafficking. In addition, prisoners who were convicted of murder, rape, kidnaping, terrorism, or narcotics crimes and sentenced to more than 10 years in jail were not eligible for the benefits given to prisoners under age 21 or over age 60, or to parents of minor children.

A prisoner's wealth can determine cell size, visiting privileges, day-pass eligibility, and place or length of confinement. Cell prices ranged from $17 to $4,340 (130 to 32,500 bolivianos), paid to prior occupants or to prisoners who control cell blocks. For example, in the poorest parts of San Pedro prison in La Paz, inmates occupy tiny cells (3 by 4 by 6 feet) with no ventilation, lighting, or beds. Crowding in some "low-rent" sections obliges inmates to sleep sitting up. Although only children up to 6 years old are supposed to live with an incarcerated parent, children as old as age 12 live with their fathers in San Pedro prison. According to the Director General, in December there were 803 children living with a parent in prison. If such children have nowhere else to go, the Government considers it more humane to support them in prison than to leave them homeless. The standard prison diet can cause anemia. The Government budgets only $0.30 (2 bolivianos) per prisoner per day for food, and prisoners who can afford to supplement the standard prison diet by buying food do so. There was no adequate health care within the prisons, and it was difficult for prisoners to get permission for outside medical treatment. However, affluent prisoners can obtain transfers to preferred prisons or even to outside private institutional care for "medical" reasons. Drugs and alcohol were readily available for those inmates who can pay.

There was no progress, and none appeared likely in the following prison death cases: The March 2001 hanging of Jose Valentin Mujica at the maximum security San Pedro de Chonchocoro prison near La Paz; the June 2001 killing of three prisoners at Palmasola prison in Santa Cruz resulting from violence among inmates; the 2000 hanging of Brazilian prisoner Mustafa Samir and shooting of Peruvians Omar Casis and Renaldo Montesinos at San Pedro de Chonchocoro prison.

There are separate prisons for women; conditions for female inmates were similar to those for men. However, overcrowding at the San Sebastian women's prison in Cochabamba was worse than in most prisons for men.

Convicted juvenile prisoners were not segregated from adult prisoners in jails. Rehabilitation programs for juveniles or other prisoners were scarce to nonexistent. The Government acknowledged these problems but did not budget sufficient resources to correct them.

The Government permits prison visits by independent human rights observers and news media representatives.

d. Arbitrary Arrest, Detention, or Exile.—There were some instances of arbitrary arrest and detention. Arrests were carried out openly. The new CCP requires an arrest warrant, and the police must inform the prosecutor of the arrest within 8 hours. The prosecutor within 16 hours then must have the detainee released under bail or ask a court to continue to hold the detainee in jail until trial. A detainee may not be held for more than 24 hours without court approval. However, there were credible reports that these legal safeguards were violated in some cases.

Denial of justice through prolonged detention remained a serious ongoing problem, although this began to change with the full implementation in 2001 of the new CCP that provides that a detainee cannot be held for longer than 18 months awaiting trial and sentencing (*see* Section 1.e.). If the process is not completed in 18 months, the detainee may request his release by a judge. However, judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures keep persons incarcerated for months, or even years, before trial. The Constitution provides for judicial determination of the legality of detention. Prisoners are released if a judge rules detention illegal, but the process can take months. Prisoners may see a lawyer, but approximately 70 percent cannot afford legal counsel, and public defenders were overburdened (*see* Section 1.e.).

A 2001 report of the U.N. Committee Against Torture estimated that two-thirds of the prison population were waiting for the processing of their cases to be finished.

The Government continued to address the problem of delay of justice by implementing the 1994 constitutional reforms to streamline the judicial system and by taking measures to correct other deficiencies as they come to light. Most prisoners still awaited either trial or sentencing, but under the CCP the courts had begun to provide release on bail for some prisoners. Judges still have the authority to order

preventive detention for suspects under arrest deemed to be a flight risk or for obstruction of justice. If a suspect is not detained, a judge may order significant restrictions on a suspect's travel.

Children from 11 to 16 years of age can be detained indefinitely in children's centers for known or suspected offenses, or for their protection, simply on the orders of a social worker. There is no judicial review of such orders.

The 1997 detention case of Waldo Albarracin, President of the APDH, continued to move slowly through the judicial system. The authorities had yet to take any action regarding the four police officials accused of abducting Albarracin; although legal cases against two policemen remained pending at year's end, further action was unlikely.

The Constitution prohibits forced exile of citizens, and the Government did not employ it.

e. Denial of Fair Public Trial.—The judiciary was generally independent; however, corruption and inefficiency in the judicial system remained major problems. Poor pay and working conditions made judges and prosecutors susceptible to bribes.

The judicial system has three levels of courts: Trial Court, Superior Court, and the Supreme Court or Constitutional Tribunal appellate review. The Supreme Court hears appeals in general, while the Constitutional Tribunal only hears appeals on constitutional issues.

With the full implementation in 2001 of the CCP, the criminal justice system changed from essentially a closed, written system to a system of transparent oral trials. The earlier system made it difficult for poor, illiterate persons to have effective access to courts and legal redress and gave rise to lengthy judicial processes and prolonged pretrial incarcerations (*see* Section 1.d.). The CCP specifically addresses this problem by requiring that no pretrial detention exceed 18 months. In cases in which a sentence has been issued, but the case is being appealed, the maximum period of detention is 24 months.

The 2001 Public Ministry Law provides that the prosecutor, instead of the judge, is in charge of the investigative stage of a case. The prosecutor instructs the police, from the perspective of a legal practitioner, as to what witness statements and evidence are needed to prosecute the case. Counternarcotics prosecutors lead the investigation of narcotics cases. During its first stage, the prosecutor tries the case before a judge of instruction if it is a misdemeanor case (which carries a possible sentence of less than 4 years), or before sentencing courts that include three citizen judges (jurors) and two professional judges for felony cases (possible sentence of 4 years or more).

The superior court review is restricted to a review of the application of the law. Supreme Court review, the third stage, is restricted to cases involving exceptional circumstances. During the superior court and Supreme Court reviews, the courts may confirm, reduce, increase, or annul sentences, or provide alternatives not contemplated in lower courts.

Defendants have constitutional rights to a presumption of innocence, to remain silent, to have an attorney, to confront witnesses, to present evidence on their own behalf, to due process, and to appeal judicial decisions. In practice almost none of these rights have been protected systematically, although the implementation of the CCP facilitated more efficient investigations, transparent oral trials, and credible verdicts.

The law provides for a defense attorney at public expense if needed; however, one was not always promptly available. There were approximately 167 public defenders, legal assistants, and social workers nationwide. The public defender program also provides information about human rights to citizens and seeks to involve public defenders in arrest cases at the earliest possible juncture to ensure that human rights and due process are honored. Mobile public defenders who travel to the more remote parts of the country had some positive effect; however, public defenders remained overburdened.

The CCP also recognizes the conflict resolution traditions of indigenous communities, but not the imposition of the death penalty (*see* Section 1.c.).

The Judicial Council oversees the disciplinary aspects of the judicial process and provides an impartial body to review the actions of judges. Its powers include the authority to conduct administrative investigations and to censure for malpractice judges at all levels found culpable of malfeasance; however, the dismissal of a superior court or higher level judge requires a final judgment and sentence of conviction in a criminal case tried before the Supreme Court. The Council may suspend without pay, for up to 13 months, judges against whom a criminal charge has been filed or against whom a disciplinary process has been initiated. At year's end, legislation remained pending to give the Council the power to effect suspension of up to 3 years

or specifically to establish the Council's power to dismiss judges found guilty of malpractice by the Council.

The military justice system generally was susceptible to senior-level influence and corruption and avoided rulings that would embarrass the military. When a military member is accused of a crime related to his military service, the commander of the affected unit assigns an officer to conduct an inquiry and prepare a report of the findings. The results of the findings are forwarded to a judicial advisor—usually at the division level—who then recommends a finding of either innocence or guilt. For minor infractions, the advisor may recommend sanctions such as house arrest or loss of time-in-grade (which delays promotions and affects future assignments). For major infractions, the case is forwarded to a military court (the permanent tribunal for cases involving enlisted members and officers below the rank of general/admiral and the supreme tribunal for generals/admirals and appeals of cases from the permanent tribunal). General officers head both tribunals. For the permanent tribunal, a judge advocate of war (usually a civilian lawyer) reviews the findings of the advisor and may change the recommendations of the advisor. The permanent tribunal usually accepts the recommendations of the judge advocate of war. Authorities recognize conflicts over military and civilian jurisdiction in certain cases involving human rights. An inter-ministerial commission, headed by the Ministry of Justice and Human Rights, was charged to prepare legislation to address these conflicts as well as to incorporate various international human rights agreements into domestic law.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution provides for the sanctity of the home and the privacy of citizens; however, while the authorities generally respected these provisions, there were credible allegations of security forces involved in thefts of property. Residents in the coca-growing areas generally were reluctant to file and pursue formal complaints.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the right to express ideas and opinions freely by any means of dissemination; however, there were some limitations on freedom of speech. Newspapers were privately owned and frequently adopted antigovernment positions. State-owned and private radio and television stations generally operated freely. In January the Government briefly closed the Chapare's "Radio Soberania," a forum for cocalero leader and then-presidential candidate Evo Morales. Although it lacked proper permits, engaged in tendentious speech, and broadcast instructions to cocaleros on where to gather for rallies and roadblocks, the station continued to operate freely.

The Penal Code provides that persons found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be jailed from 1 month to 2 years. If the insults are directed against the President, Vice President, or a minister, the sentence may be increased by one-half.

Press associations criticized the Government for the death in September 2001 of a civilian who was accompanying journalists as they approached an eradication camp near Loma Alta in the Chapare (*see* Section 1.a.). They also called for the Government to provide for protection and freedom of movement in the Chapare, where illegal coca growers often block roads (*see* Section 2.d.).

The 40-person La Paz Press Tribunal, an independent body, is authorized to evaluate journalists' practices that are alleged to violate either the Constitution or citizens' rights. The Government prohibited the importation of pornographic books, magazines, and artwork, but it did not block Internet sources.

The Government did not restrict academic freedom, and the law grants public universities autonomous status.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of peaceful assembly, and the authorities generally respected this right in practice; however, security forces killed five persons and injured others during violent protests during the year (*see* Sections 1.a. and 1.c.). The Government routinely granted permits for marches and rallies. There were numerous demonstrations throughout the year; in some cases protesters blocked roads, and on several occasions protesters became violent. The authorities generally tried to avoid confronting demonstrators, and frequent marches in downtown La Paz caused chronic traffic congestion and inconvenience for citizens. However, security forces clashed with union and other demonstrators on several occasions during the year. The authorities intervened only when rallies became violent or interfered substantially with normal civic activity. The police regularly used tear gas and other forms of crowd control.

The law provides for freedom of association, and the authorities generally respected this right in practice. The Government requires nongovernmental organizations (NGOs) to register with the appropriate departmental government, and authorities granted such registration routinely and objectively.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism predominates, and the Constitution recognizes it as the official religion. The Roman Catholic Church received support from the State (about 300 priests receive small stipends) and exercised a limited degree of political influence.

Non-Catholic religious organizations, including missionary groups, must register with the Ministry of Foreign Affairs and Worship and receive authorization for legal religious representation. The Ministry is not allowed to deny registration based on an organization's articles of faith, but the legal process can be time-consuming and expensive, leading some groups to forgo registration and operate informally without certain tax and customs benefits. Most registered religious groups were identified as Protestant or "evangelical."

In 2000 then-President Banzer signed a Supreme Decree governing the relationships between religious organizations and the Government. The decree, reflecting input from religious groups, was designed to increase transparency and dialog in church-state relations.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. The law permits emigration and provides for the right to return. The Government does not revoke citizenship for political or other reasons.

The law provides for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The Government accepted eight refugees during the year. The total number of registered refugees, according to UNHCR, was 351. The issue of the provision of first asylum did not arise during the year.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Political parties ranging from far left to moderate right functioned openly. Implementing regulations for the 1994 constitutional revisions specify that half of the congressional deputies be elected individually and directly, rather than from party lists. On August 6, President Gonzalo Sanchez de Lozada of the centrist Nationalist Revolutionary Movement assumed the presidency (succeeding Jorge Quiroga of the Nationalist Democratic Action Party) after he was elected in a joint session of the Bolivian Congress following the June 30 national election. The MNR won a plurality but not a majority of the popular vote. A coalition of parties supported the MNR in the Joint Session vote, which is required when no candidate wins a majority of the popular vote. Although there were some allegations of vote-counting irregularities in the June elections, most observers, including a mission from the Organization of American States, concluded that the elections were free and fair. The governing coalition controlled both houses of the legislature, holding 17 of 27 seats in the Senate and 71 of 130 seats in the Chamber of Deputies. Coalition members held the top leadership positions in both chambers. Elections for national offices and municipal governments are held every 5 years; the next national election is scheduled for June 2007.

The National Electoral Court (CNE) and its lower departmental courts oversee the electoral process, including voter registration, tabulation, and certification of ballots. Pursuant to a July 2001 mandate from Congress, the CNE selected new departmental electoral court judges and modified the Electoral Code so that head departmental electoral judges are selected by congressional vote.

There are no legal impediments to women or indigenous people voting, holding political office, or rising to political leadership. The law requires that every third candidate on party candidate lists be female. In addition, every other candidate on municipal election ballots, beginning with the second candidate, must be a woman—

a requirement that has increased female representation to approximately 30 percent of municipal council positions. However, in 2000 there were reports that in some municipalities party leaders pressured councilwomen to resign in favor of their male substitutes, and women in three separate municipalities allegedly were threatened with death if they did not resign their positions. There were 28 women among the 157 deputies and senators, 3 women among the 50 vice ministers, and 2 women in the 18-member Cabinet. There were no indigenous members of the Cabinet, and the number of indigenous members of the Chamber of Deputies was estimated at 35 percent—a figure difficult to confirm since designation as indigenous is self-declared.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views; however, NGOs and the Ombudsman complained that occasionally government security forces and government ministries refused to cooperate when NGOs or the Ombudsman were conducting investigations.

The Human Rights Ombudsman is a position with a 5-year term established in the Constitution. The Ombudsman is chosen by Congress and is charged with providing oversight for the defense, promotion, and spread of human rights, specifically to defend citizens against abuses by the Government. The Human Rights Ombudsman, Ana Maria Romero de Campero, conducted numerous investigations and in September presented a comprehensive report to Congress that was critical of the Government. The report stated that for the fourth consecutive year the police force was the Government organization most often accused of human rights abuses. Indigenous people filed approximately 60 percent of all complaints received by the Ombudsman. The Congressional Human Rights Committee also investigated alleged human rights abuses in the Chapare.

The Chimore Center for Justice and Human Rights (CCJHR) continued to be active in the Chapare region. It reported its findings to the Ministry of Justice and Human Rights, disseminated human rights information, accepted complaints of abuses committed, kept records and referred complaints to the Public Ministry. The CCJHR also houses a medical forensic expert and an investigative staff to review complaints.

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

The Constitution prohibits discrimination based on race, sex, language, political or other opinion, origin, or economic or social condition; however, there was significant discrimination against women, indigenous people, and the small Afro-Bolivian minority.

Women.—Violence against women was a pervasive problem, but no system existed to record the incidence of cases. The Family Violence Units of the police handle crimes of domestic violence and physical or sexual abuse against women and children. The La Paz unit alone received 1,212 complaints for the period January-July: 519 for physical violence, 178 for psychological violence and 56 for sexual violence. There was only one reported conviction under the Family Violence Law—a case in which a husband was sentenced to 8 years and 2 months for slashing his spouse. On November 25, Vice Minister for the Woman Martha Noya stated that 7 out of 10 women suffered psychological or physical violence in the home 3 to 5 times a year and that 3 of 10 women suffered a higher rate of abuse. The Family Violence Unit estimated that more than 53 percent of the victims do not take any action when exposed to domestic violence.

Rape was also a serious but underreported problem. The Law on Domestic and Family Violence makes the rape of an adult victim a public crime; however, the victim must press charges, and only 3 percent of complaints received by the Public Ministry were for rape. The Law Against Sexual Violation criminalizes statutory rape, with penalties of 10 to 20 years for the rape of a child under the age of 14, 2 to 6 years for statutory rape of a person from 14 to 18 years of age, and 5 to 20 years for forcible rape of a child or an adult. The CCP provides that crimes against adults included in previous laws on sex crimes can be made public crimes; however, the victim must press charges. Sexual crimes against minors automatically are considered public crimes. Public agencies stated that reports of abuse increased markedly as a result of these laws, as citizens became more aware of the problem and of the availability of help.

Prostitution is legal for adults age 18 and older, and there were reports of trafficking in women for the purposes of prostitution and forced labor (*see* Section 6.f.).

The CCP (*see* Section 1.e.) considers sexual harassment a civil crime. There were no statistics on the incidence of sexual harassment, but the problem generally was acknowledged to exist widely in the male-oriented society.

Legal services offices devoted to family and women's rights operated throughout the country. The Maternal and Infant Health Insurance Program provided health services, focused on maternal and infant health, to women of reproductive age and to children under the age of 5.

Women generally do not enjoy a social status equal to that of men. Many women do not know their legal rights. Traditional prejudices and social conditions remained obstacles to advancement. In rural areas, for instance, traditional practices restricting land inheritance for women remained a problem. The Labor Code restricts the proportion of female staff in business to 45 percent of the workforce unless large groups of women are required in a particular enterprise; however, this restriction was not enforced actively. The minimum wage law treats men and women equally; however, women generally earned less than men did for equal work. Most women in urban areas worked in the informal economy and the services and trade sectors, including domestic service and micro-business, whereas in rural areas the vast majority of economically active women worked in agriculture. Young girls often left school early to work at home or in the economy. A 2000 UNDP study found that the literacy rate for women over the age of 15 was 79 percent compared with 92 percent for men. Although not effectively enforced, the national labor law limits women to a workday 1 hour shorter than that of men and prohibits them from working at night (*see* Section 6.e.).

Children.—The Government is aware of the need to provide legal and institutional infrastructure for the protection of children. There are seven Defender of Children and Adolescents offices to protect children's rights and interests. However, the Government did not give the situation of children sufficient political priority to improve conditions quickly and effectively.

Although the law requires all children to complete at least 5 years of primary school, this requirement was enforced poorly, particularly in rural areas. The Ministry of Education and the World Bank estimated in 1997 that 26 percent of children graduated from high school. Girls had lower rates of school participation and higher dropout rates than boys.

The National Institute of Statistics calculated in 1998 that approximately 24 percent of children less than 3 years old were chronically undernourished. A 1999 UNICEF report on infant mortality indicated that 85 of every 1,000 children died before the age of 5. Many children, particularly from rural areas, lack birth certificates and the identity documents they need to secure social benefits and protection. The Government developed but had not funded a plan to provide these documents free of charge.

Physical and psychological abuse in the home was a serious problem. Corporal punishment and verbal abuse were common in schools.

Child prostitution was a problem, particularly in urban areas and in the Chapare region. At least two NGOs, Fundacion La Paz and Q'Haruru, had active programs to combat child prostitution. The Government's plan to combat child labor included a campaign against child prostitution (*see* Section 6.d.).

There were reports of children trafficked for forced labor to neighboring countries (*see* Section 6.f.).

The Code for Boys, Girls, and Adolescents establishes the rights of children and adolescents; it also regulates adoptions and tightens protection against exploitative child labor and violence against children. However, resource constraints continued to impede full implementation of this law.

Children from 11 to 16 years of age may be detained indefinitely in children's centers for known or suspected offenses, or for their own protection, simply on the orders of a social worker (*see* Section).

Child labor was a serious problem (*see* Section 6.d.). In September the Government received $1.5 million (11.2 million bolivianos) for a project to combat child labor in the Department of Potosi.

Persons with Disabilities.—The Law on Disabilities requires wheelchair access to all public and private buildings, duty free import of orthopedic devices, a 50 percent reduction in public transportation fares, and expanded teaching of sign language and Braille. A National Committee for Incapacitated Persons was mandated to oversee the law's enforcement, conduct studies, and to channel and supervise programs and donations for persons with disabilities; however, there was little information on its effectiveness. The electoral law requires accommodation for blind voters; however, in general there were no special services or infrastructure to accommodate persons with disabilities. A lack of adequate resources impeded full implementation of

the law. Societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society.

Indigenous Persons.—In the 2001 census, approximately 62 percent of the population over 15 years of age identified themselves as indigenous, primarily from the Quechua or Aymara groups. The Agrarian Reform Law provides for indigenous communities to have legal title to their communal lands and for individual farmers to have title to the land they work. The Government and indigenous leaders jointly developed provisions of this law. However, the issue of land, specifically the Agrarian Reform Law, was a continuing source of complaints and protests by indigenous people. Indigenous people complained that their territories were not defined legally or protected, and that outsiders exploited their resources.

Indigenous groups have taken advantage of the Popular Participation Law to form municipalities that offer them greater opportunities for self-determination. The CCP recognizes the conflict resolution traditions of indigenous communities (*see* Section 1.e.).

National/Racial/Ethnic Minorities.—There is societal discrimination against the small Afro-Bolivian minority. Afro-Bolivians generally remained at the low end of the socioeconomic scale, and faced severe disadvantages in health, life expectancy, education, income, literacy, and employment. The majority of the estimated 25,000 Afro-Bolivians live in the Yungas region of the department of La Paz.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide that workers have the right to form trade unions; however, inefficient labor courts and inadequate government regulation at times limited the exercise of this right by workers. Workers may form a union in any private company of 20 or more employees; however, an estimated 70 percent of workers were employed in micro or small enterprises with fewer than 20 employees. Moreover, labor leaders said that a section of the 1985 Economic Liberalization Decree, which eliminated the Government's role in authorizing worker dismissals had been exploited by the private sector to fire workers for organizing or to avoid paying severance benefits, although both actions remain illegal. Public sector workers also have the right to form a union. The Labor Code requires prior government authorization to establish a union and confirm its elected leadership, permits only one union per enterprise, and allows the Government to dissolve unions by administrative fiat. Following the 1997 visit of an International Labor Organization (ILO) direct contacts mission, the Government agreed to amend its labor laws with respect to the powers of authorities to dissolve trade unions by administrative order and its power to supervise union affairs; however, it has not done so. The Government was not known to abuse this authority for political or other reasons and generally did not penalize workers for union activities.

Because of the legal costs and time required to register new nongovernmental entities, almost all unions are affiliates of the Bolivian Labor Federation (COB). Less than one-half of the workers in the formal economy belong to unions, and employment in the formal economy itself has fallen markedly in recent decades to approximately 30 percent of those employed. Several large groups of informal workers, including up to 50,000 "cooperative" miners, thousands of street vendors, and hundreds of thousands of poor indigenous farmers (campesinos) were loosely affiliated with the COB.

In many respects, the country's labor laws and regulations are favorable to workers; however, many of the standards were ignored in practice.

Unions were not free from influence by political parties, but many in organized labor increasingly rejected traditional political parties and supported movements seeking fundamental change in the economic and political system. Most parties have labor committees that attempted to influence union activity and also had party activists inside the unions.

The law prohibits discrimination against union members and organizers. However, labor laws intended to protect workers' rights to freedom of association and to form and join trade unions are inadequate and fail to deter employers from retaliating against workers, nor does the law protect workers against acts of interference by employers. The Government agreed to amend these laws following an ILO direct contacts mission in 1997; however, the Government has failed to do so. Complaints of antiunion discrimination go to the National Labor Court, which can take a year or more to rule due to a significant backlog of cases. The court ruled in favor of discharged workers in some cases and successfully required their reinstatement. However, union leaders said that problems were often moot by the time the court ruled.

The law allows unions to join international labor organizations. The COB worked with mainstream international labor organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution and the Labor Code provide workers with the right to organize and bargain collectively. Collective bargaining, or voluntary direct negotiations between employers and workers without the participation of the Government, was limited. Most collective bargaining agreements are restricted to wages and exclude other conditions. The Labor Code requires unions to revert to government mediation before beginning a strike and employers to do likewise before initiating a lockout. The practice of direct employee-management negotiations in individual enterprises expanded, as the private sector's economic role expanded.

There was limited major strike activity during the year, in part because attention was focused on national elections.

The Labor Code bans strikes in public services, including banks and public markets; however, workers in the public sector frequently did strike, with strikes by teachers and health care workers the most common. Public sector employees have not been penalized for strike activities in recent years. Solidarity strikes are illegal, but the Government neither prosecuted nor imposed penalties in such cases.

Labor law and practice in the seven special duty-free zones are the same as in the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, the practices of child apprenticeship and agricultural servitude by indigenous workers continued, as did some alleged individual cases of household workers effectively held captive by their employers (*see* Sections 5 and 6.d.). The ILO Committee of Experts reported that the abuses and lack of payment of wages constitute forced labor in the agriculture sector.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits all work for payment by children under the age of 14; however, in practice the Ministry of Labor generally did not enforce child labor laws, including those pertaining to the minimum age and maximum hours for child workers, school completion requirements, and health and safety conditions for children in the workplace. Child labor was a serious problem. The law prohibits a range of dangerous, immoral, and unhealthy work for minors under the age of 18. Labor law permits apprenticeship for those 12 to 14 years old under various formal but poorly enforced restrictions, which have been criticized by the ILO and were considered by some to be tantamount to bondage (*see* Section 6.c.).

Approximately one in every four children between the ages of 7 and 14 was employed in some way. A 1999 ILO study estimated that approximately 70,000 children between the ages of 7 and 14 were working in cities and that approximately 300,000 children in the same age group were working in rural areas—usually to help provide for family subsistence—in uncontrolled and sometimes unhealthy conditions. The extreme poverty of many families dictated the involuntary employment of their children to survive.

In April 2001, the Inter-Institutional Commission for the Progressive Elimination of Child Labor released a 10-year "Plan for the Progressive Elimination of Child Labor" to address financial, health, education, and other needs of children and to provide incentives for poor families to keep children in school, improve governmental enforcement of labor laws, and prevent the worst forms of child labor. However, the plan had little funding. The new administration endorsed the plan, and at year's end was completing plans to eliminate child labor in its worst forms, including in mining, sugar cane harvesting, and prostitution.

In December the country completed ratification of ILO Convention 182 on the worst forms of child labor.

The Labor Ministry is responsible for enforcing child labor provisions but did not enforce them throughout the country. Urban children sold goods, shined shoes, and assisted transport operators. Rural children often worked with parents from an early age, generally in subsistence agriculture. Children generally were not employed in factories or formal businesses but, when employed, often worked the same hours as adults. Children also worked in mines and other dangerous occupations in the informal sector. Child prostitution was a growing problem (*see* Section 5).

The NGO Defense of Children International criticized traffickers for using children under the age of 14 to transport drugs.

The traditional practice of "criadito" service persisted in some parts of the country. Criaditos are indigenous children of both sexes, usually 10 to 12 years old, whom their parents indenture to middle- and upper-class families to perform household work in exchange for education, clothing, room, and board. Such work is illegal, and there are no controls over the benefits to, or treatment of, such children, who may become virtual slaves for the years of their indenture.

e. Acceptable Conditions of Work.—The Government establishes the minimum wage for the public and private sectors by supreme decree following traditional negotiation with the COB, and the wage increased in January by almost 9 percent to approximately $57 (430 bolivianos) per month, plus bonuses and fringe benefits. The minimum wage did not provide a decent standard of living for a worker and family, and most formal sector workers earned more, although many informal sector workers earned less. Although the minimum wage fell below prevailing wages in most jobs, certain benefit calculations were pegged to it. The minimum wage did not cover members of the informal sector, who constituted the majority of the urban work force, nor did it cover farmers, who accounted for 30 percent of the working population.

Although not effectively enforced, the law establishes an 8-hour workday and a maximum workweek of 48 hours, limits women to a workday 1 hour shorter than that of men, and prohibits women from working at night (*see* Section 5). The Labor Ministry's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but relevant standards were enforced poorly. Many workers died due to unsafe conditions. With support from an international donor, the Government reestablished a national tripartite committee charged with monitoring and improving occupational safety and health standards. The Labor Ministry maintained a hot line for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions.

Working conditions in the mining sector were particularly poor. Although the State Mining Corporation has an office responsible for safety, many mines, often old and using antiquated equipment, were dangerous and unhealthy. In some mines operated as cooperatives, miners earned less than $3 (22 bolivianos) per 12-hour day. Miners in such cooperatives worked without respirators in mines where toxic gases and cancer-causing dusts abound; bought their own supplies, including dynamite; had no scheduled rest periods; and many worked underground for up to 24 hours continuously. There are no special provisions in the law defining when workers may remove themselves from dangerous situations. Unless the work contract covers this area, any worker who refuses to work based on the individual's judgment of excessively dangerous conditions may face dismissal.

f. Trafficking in Persons.—The law prohibits trafficking in persons for the purpose of prostitution. There are no other laws that specifically address trafficking in persons, although many aspects of the problem are covered in other laws and in the Constitution. Trafficking in women and children was a problem.

There were reports of domestic trafficking in women for the purpose of prostitution. NGOs expressed continued concern that women were trafficked for prostitution.

There were credible reports that the country was a source of persons trafficked for forced labor in neighboring countries, especially Argentina, and to a lesser extent Chile and Brazil, although there were no reliable estimates available as to the extent of the problem. A small percentage of economic migrants received fraudulent information about prospective jobs in neighboring countries, which turned out to be forced labor under harsh conditions. Some of the fraud leading to involuntary servitude originated within the country.

Women and adolescents, especially from indigenous ethnic groups in the altiplano (high plains) region, were more at risk of being trafficked. Victims generally were trafficked to Argentina to work in agriculture, factories, trades, and as domestic employees; to Chile to work as domestic employees; and to Brazil to work in factories and as domestic employees.

The Government, including top immigration officials, did not facilitate, condone, or otherwise act complicitly in trafficking; however, individual low-ranking employees of various government agencies took bribes to allow various types of smuggling, including contraband and persons.

The Immigration Service is primarily responsible for combating trafficking, with the assistance of the National Police when active law enforcement investigations are necessary. The Immigration Service has responsibility for all ports of entry/exit and border crossings. There is an interagency Minor's Committee to combat trafficking in adolescents for forced labor to neighboring countries. However, the Government did not commit the resources necessary to address this problem.

The 1999 Law for the Protection of the Victims of Crimes Against Sexual Freedom specifically outlaws trafficking in persons for the purpose of prostitution and provides for sentences of up to 12 year's imprisonment. Heavier sentences are imposed if the victim is a minor. There are also laws prohibiting the falsification of government documents, such as passports, visas, and civil registry documents. In addition, the Penal Code prohibits slavery or an "analogous state," and it is punishable with 2 to 8 years of imprisonment. The Government also cooperated with other govern-

ments to investigate and prosecute trafficking cases. There were no known prosecutions during the year. Several NGOs worked with vulnerable groups, providing assistance, incentives to education, and information about legal rights.

BRAZIL

Brazil is a constitutional federal republic composed of 26 states and the Federal District. The federal legislative branch exercises authority independent of the executive branch. In October voters elected President Luiz Inacio Lula da Silva of the Workers Party (PT) to a 4-year term. The elections marked the fourth time since the end of military rule in 1985 that citizens freely chose their president and elected the legislative bodies in accordance with the 1988 Constitution. All parties were able to compete on the basis of fair and equal procedures. The Constitution provides for an independent judiciary; however, it was often inefficient and, especially at the state level, subject to political and economic influences.

The military was responsible for national defense and remained subject to effective civilian control, both in law and in practice. The federal police force was very small and primarily investigative. It played little role in routine law enforcement. Police forces fell primarily under the control of the states and were divided into two groups: The "civil police" were plain-clothes officers and had an investigative role, and the "military police" were uniformed police and were responsible for maintaining public order. Although the individual state governments controlled the military police, the Constitution provides that they can be called into active military service in the event of an emergency, and they maintained some military characteristics and privileges, including a separate judicial system. The state police forces committed numerous serious human rights abuses.

The country had a market-based and diversified economy and a population of approximately 175 million. The Government, which traditionally played a dominant role in shaping economic development, encouraged greater private sector participation in the economy through privatization of state enterprises, deregulation, and removal of some impediments to competition, trade, and investment. Industrial production, including mining operations and a large and diversified capital goods sector, accounted for 34 percent of gross domestic product (GDP), agriculture contributed 8 percent, and services accounted for 58 percent. Exports consisted of both manufactured and primary goods. Per capita GDP was approximately $2,900 in 2001, and the economy grew by 1.5 percent. Income distribution remained highly skewed. The real average wage fell 10 percent from 1997 to 2001.

The Federal government generally respected the human rights of its citizens; however, there continued to be numerous serious abuses, and the record of some state governments was poor. State police forces (both civil and military) committed many extrajudicial killings, tortured and beat suspects under interrogation, and arbitrarily arrested and detained persons. Police also were implicated in a variety of criminal activities, including killings for hire, death squad executions, extortion, kidnapings for ransom, and narcotics trafficking. Despite new powers to intervene in certain types of human rights cases granted in January, the federal police failed to act in the numerous human rights violations by state authorities. The Government established a national torture hot line for victims of torture, but it did not result in more convictions or a diminution of the problem.

Government authorities often failed to prevent violence inside prisons. The state governments did not punish most perpetrators of these abuses effectively. The separate system of military police tribunals remained overloaded, rarely investigated cases thoroughly, seldom convicted abusers, and contributed to a climate of impunity for police officers involved in extrajudicial killings or abuse of prisoners. Prison conditions ranged from poor to extremely harsh. Prison officials often tortured and beat inmates. The judiciary had a large case backlog and often was unable to ensure the right to a fair and speedy trial. Justice remained slow and often unreliable, especially in regions where powerful economic interests influenced the local judiciary. Victims, particularly those who were suspected criminals, had difficulty in being heard by oversight bodies. Investigations of human rights abuses by police officials were often limited to internal police reviews and were not referred to the Office of the Public Prosecutor or other independent bodies for review.

Police used excessive force to disperse demonstrators on several occasions, causing serious injuries. Human rights monitors on occasion faced threats and harassment. Violence and discrimination against women, and child prostitution and abuse, remained chronic problems. Government authorities often failed adequately to protect indigenous people from outsiders who encroached on their lands or to provide them with adequate health care and other basic services in many areas. Discrimination

against Afro-Brazilians and violence against homosexuals were serious problems. Rural violence, including the killings of land reform and rural labor activists, persisted. Forced labor for adults and children continued. Trafficking in persons, particularly women and children for the purpose of prostitution, persisted. Brazil was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

A new National Human Rights Program focused on social, as well as cultural and economic, rights. Congress ratified into law a presidential decree giving the federal police authority to intervene at the state level in certain human rights cases and in kidnapings that were politically motivated, but the federal police did not use this authority.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—Extrajudicial killings committed by state police (military and civil) remained a serious problem throughout the country. Uniformed police summarily executed suspected criminals and then filed false reports that the deceased were resisting arrest. There were numerous killings by police. Statistics released by the Sao Paulo State Secretary for Security indicated that 610 people were killed during the year by Sao Paulo police (civil and military); statistics released by the Sao Paulo police ombudsman indicated that 825 people were killed by Sao Paulo police during the year. The ombudsman's figures included killings by off-duty police. In April 2001, the U.N. Special Rapporteur on Torture noted that torture by jail and prison officials often resulted in death (*see* Section 1.c.). Harsh prison conditions and prison riots continued to lead to the death of inmates (*see* Section 1.c.). Police also killed street children, indigenous persons, and labor activists (*see* Sections 5 and 6.a.). Death squads and other criminal groups, many of which included police as members, committed other killings. Numerous credible reports indicated the involvement of state police officials in crime, including revenge killings and the intimidation and killing of witnesses involved in testifying against police officials (*see* Section 1.e.). The authorities' failure to investigate, prosecute, and punish police who committed such acts perpetuated a climate of impunity that encouraged human rights abuses. Many persons continued to be killed in disputes over land ownership and usage.

An April 2001 report by human rights organizations stated that law enforcement authorities summarily executed approximately 2,000 persons each year.

According to the police ombudswoman in Rio de Janeiro, in the first 9 months of the year, citizens registered complaints for 23 police homicides in the state, believed to be only a small fraction of the actual total of police homicides. A human rights nongovernmental organization (NGO) estimated that the number of police homicides during the first 9 months of the year exceeded the number officially reported for the same period of 2000 (312). The Rio de Janeiro State government halted release of data on police homicides after September 2000. Research conducted by the Institute for Religious Studies (ISER) in the mid-1990s suggested that during that period the level of police homicides was double the official number reported. The ISER report cited 40 cases in Rio de Janeiro that clearly demonstrated execution-style deaths, in which police first immobilized the victims and then shot them at point-blank range. In 64 percent of the cases examined by ISER, the victims were shot in the back.

In the first 4 months of the year, the Sao Paulo ombudsman received 128 complaints of police homicide, 62 complaints of disciplinary infractions, and 44 complaints of poor service. According to the Ombudsman, in the first 6 months of the year, 73 cases of police abuse were presented to the Public Prosecutor, and action was taken on only 12 of the cases. The Sao Paulo State Secretary for Security reported that Sao Paulo police on average killed 59 civilians monthly, a rate 33 percent higher than in 2001, and the highest figure since statistics on police killings began to be kept in 1995; statistics released by the Sao Paulo police ombudsman indicated that the monthly average was 69. State Secretary of Security figures indicated that during the year 59 Sao Paulo policemen were killed and 537 injured in the line of duty. According to a domestic NGO, international human rights observers, and diplomats, killing by police was a national problem, not limited to the largest cities or states.

According to press reports, in February in Campo Grande, military police officer Guaracy Arede shot and killed Alessandra Luisa de Carvalho Marques who was riding with a friend in a passenger van. Arede, described as drunk, entered the vehicle and molested Carvalho Marques who then sought to exit the van. In front of

numerous witnesses, Arede shot Carvalho Marques once in the head and once in the neck as she fled from the vehicle. Police arrested Arede, and the trial was pending at year's end.

In February in Campos, Sao Paulo, highway patrolman Jose Vargas de Oliveira was accused of shooting to death a truck driver who wouldn't pay a "tip." Oliveira was later arrested when he surrendered to the Federal Highway Police; there was no further information regarding action in the case.

In February Rio de Janeiro taxi driver Sergio Luiz Couto was shot several times and killed the day before he was to give a deposition denouncing military police officials. Seven months prior to his death, Couto had been kidnaped by a team of public security officers who demanded a ransom of approximately $57,140 (200,000 reais). For his involvement in the kidnaping, police Major Dilo Pereira Soares Junior was imprisoned for 31 days. Couto's wife stated that her husband had received multiple threats from an officer with the military police prior to his murder. There was no indication of new developments in the case at year's end.

On March 5, Sao Paulo police killed 12 members of the criminal faction and prison gang First Command of the Capital (known as the PCC) in a highway shootout. The police reportedly suspected that the group planned a prison break or robbery. Over 100 military police mounted a roadblock near the town of Sorocaba. The 17 suspects, traveling in 6 different vehicles including a bus, opened fire and attempted to flee. Five suspects escaped but were later captured. The Sao Paulo police ombudsman's advisor stated that marks on the bodies indicated that excessive force had also been employed.

Sao Paulo State Secretary of Public Security Saulo de Castro Abreu Filho expressed regret over the deaths but stated that this "war operation" was "well carried out." However, Sao Paulo Vice Mayor Helio Bicudo—relying on the findings of an independent medical examiner—contended that the operation was "an execution." Bicudo testified about the case before the Organization of American States' Inter-American Commission on Human Rights (IACHR) in October. In its response, the Government indicated that the facts of the case were still under investigation. The IACHR accepted the case for inquiry. The civil and military police each opened investigations into the case; by year's end, no determination had been made on whether to charge any police officials in connection with the incident.

In April in Baixada Santista, Sao Paulo, military police killed five boys and a bar owner while searching for a youth who stole a sergeant's weapon. Witnesses asserted that the police entered a bar looking for the "thief," then stole wallets and forced the patrons to lie on the floor. The bar owner refused and was shot twice and killed along with five youths who were also present.

In May police antikidnaping investigators killed 56-year-old Jorge Jose Martins in his home in Campinas, Sao Paulo. Police claimed that Martins fired first, but Martins' family asserted that he was executed. The Sao Paulo police ombudsman endorsed the family's version and demanded an investigation. At year's end, a police officer had been charged but was free while the trial was pending. In the interim, the officer continued his duties and received a promotion.

Lack of accountability and an inefficient criminal justice system allowed police impunity to continue. All crimes less serious than intentional homicide committed by uniformed police officers against civilians remained in the military justice system. Long delays allowed many cases to expire due to statutes of limitations (*see* Section 1.e.). In 2000 the military justice system processed 527 cases.

The 1996 "Bicudo" Law provides civil courts with jurisdiction over serious crimes committed by uniformed police officers, allowing civil prosecutors to review the most egregious criminal cases while the police themselves review less prominent cases. According to human rights activists, the law had marginal success since it applies only to an intentional killing by police. Almost without exception, police investigators concluded that suspects were killed while resisting arrest, and thus the deaths were justified.

The Sao Paulo police ombudsman convinced some judges to review more carefully the circumstances surrounding the deaths of civilians by police. During the year, the ombudsman appealed to judges to consider three factors: 1) the crime alleged, 2) the alleged resistance of the suspect to arrest, and 3) the possible crime committed by police in killing the suspect.

In October the Sao Paulo police ombudsman protested the conclusion of an internal police investigation regarding the 2001 killing by five civil police of four individuals suspected of involvement in the murder of the mayor of Caraguatatuba, Sao Paulo. According to press reports, the policemen claimed they shot the suspects in self-defense while trying to arrest them. However, the ombudsman alleged that the investigation suggested the case should have been sent to a civilian prosecutor to review evidence of intentional homicide by the police. The ombudsman indicated he

would review the case to ascertain whether the police actually executed the suspects. The case has been referred to the public prosecutor, and an investigation was opened; by year's end no determination had been made on whether to file charges against the policemen involved.

In October the case of retired police Colonel Ubiratan Guimaraes—the highest ranking policeman to face a civilian jury under the Bicudo law—was complicated when Guimaraes was elected to a 4-year term in the Sao Paulo State Legislative Assembly. Guimaraes had been convicted of murder in 2001 for his involvement in the 1992 Carandiru prison rebellion in which 111 prisoners were killed (*see* Section 1.c.). He was sentenced to a 632-year prison term, although under the Constitution his prison term would be limited to 30 years. Guimaraes appealed his conviction and was subsequently released pending resolution of the appeal. The other 85 officers accused of involvement in the Carandiru massacre were still awaiting trial. While the statute of limitations has expired for the charges of torture and beatings, the officers can still be tried for murder. All of the officers were free awaiting trial.

In July the Sao Paulo press reported that the 40-member Group for Repression of Crimes of Intolerance (GRADI), a military police intelligence network directly subordinate to the Secretary of Public Security, had illegally recruited prisoners to infiltrate PCC cells on three separate occasions. In the 9 months between July 2001 and March 2002, the 3 GRADI infiltration operations reportedly resulted in 7 arrests and 22 deaths, including 1 informant. The dead informant, 22-year-old Fernando Henrique Rodrigues Batista, was allegedly killed in July 2001 by the same police who recruited him.

Human rights activists and some within the judiciary compared GRADI to the police "death squads" that operated in the 1970s. The police ombudsman reported that he had evidence linking 21 homicides to GRADI; so far no charges have been brought against GRADI officers. The Sao Paulo Public Prosecutor ordered an inquiry into these allegations, as did the Congress' Human Rights Commission; however, in an official statement, the Sao Paulo Secretary of Public Security defended GRADI's actions.

In October in the coastal town of Garuja, two members of the Sao Paulo uniformed police were arrested for the October murders of two motorcyclists detained after a pursuit, 17-year-old Anderson do Carmo and 20-year-old Celso Giolelli Malgahaes Junior. An eyewitness reported that the policemen placed the youths in the back of their vehicle and drove away. The following morning, their bullet-ridden bodies were found in a garbage dump. Corporal Mauricio Miranda and Private Silvio Ricardo Monteiro Batista were arrested and were being tried for homicide; they remained in custody pending the conclusion of the case.

As of November, no police officers were charged in the 2000 killing of a member of the Landless Movement (MST) during a confrontation between protesters and uniformed police in Curitiba, Parana. An internal police investigation concluded that the police had not committed a crime and that the police were justified in using their weapons in self-defense after the marchers failed to comply with an order to disperse.

In 2000 the Sao Paulo Secretary of Security created a Special Commission to curb excessive use of police force and required police in Sao Paulo who kill a suspect to complete within 24 hours a detailed report explaining why lethal force was used. According to the Sao Paulo ombudsman, the police did not fully comply with this regulation: Many filed no report while others filed incomplete or inaccurate reports.

Two military police were convicted in the August 2001 murder of Roberto Angelo de Souza in Canoas, Rio Grande do Sul. Each received the minimum penalty of 6 years' incarceration, and they were expelled from the police force.

In the case of Thomas Feltes Engel, killed in Sao Leopoldo, Rio Grande do Sul, in September 2001, prosecutors were seeking the conviction of a military policeman for homicide.

In the September 2001 case of two Sao Paulo military police accused of murdering Sidney de Lima Advento, the accused officers provided depositions, but the case had not come to trial by year's end.

No further information was available concerning reports that in 2000, a local police officer was arrested near Boa Vista, Roraima, on the charge that he had participated in the killing of seven adolescents. The case was believed to be inactive.

In 2001 a court convicted 5 and acquitted 19 police officers (of 31 charged with participation) in the 1993 massacre of 21 residents of the Vigario Geral neighborhood of Rio de Janeiro. At year's end, four officers still awaited trial. None of the victims' families received compensation from the Government.

The use of torture by police sometimes led to the death of the victims (*see* Section 1.c.).

Harsh and life-threatening prison conditions, official negligence, poor sanitary conditions, abuse by guards, and a lack of medical care led to a number of deaths in prisons. Prison homicides, due to both prisoner violence and action by authorities during rebellions, continued during the year, but official statistics were unavailable.

No further information was available in the case of the director of security and discipline of Andradina Penitentiary in Sao Paulo State charged with triple homicide in the February 2001 asphyxiation deaths of three prison gang members reportedly involved in prison rebellions.

Police killings of street children continued (*see* Section 5).

By year's end, no arrests had been made in the case of two Truka indigenous persons allegedly murdered by state police in January 2001 in Pernambuco.

No progress was reported in the case of Xucuru leader Francisco de Assis Santana, murdered in August 2001 in Pernambuco while en route to a meeting with the National Indian Foundation (FUNAI) to complain about encroachment on indigenous lands.

No information was available as to the date of a possible new trial in the case of a landowner accused of ordering the 1983 killing of Guarani land activist Marcal Tupa-I. In April 2001, the Supreme Court overturned a verdict of innocence in the case.

Several labor activists were killed during the year (*see* Section 6.a.).

By year's end, two mayors and two other persons had been indicted in the September 2001 killing of labor leader and city councilman Carlos "Gato" Alberto Santos de Oliveira in Sergipe State. Three witnesses interviewed by prosecutors received police protection.

According to public security officials, death squads in which the police are involved continued to operate. Human rights groups reported the existence of organized death squads linked to the police forces that target suspected criminals and persons considered "undesirable"—such as street children—in almost every state. In 2000 Amnesty International (AI) reported that police death squads remained active in Mato Grosso do Sul. A 1999 report on death squads by the Human Rights Committee of the Federal Chamber of Deputies found that death squad activity with police involvement also existed in several other states, including Bahia, Rio Grande do Norte, Mato Grosso, Amazonas, Para, Paraiba, Ceara, Espirito Santo, and Acre. The report did indicate that, with the exception of Bahia, death squad activity was declining. However, human rights groups and the local press reported that murders by death squads continued, although no examples were cited.

According to investigations by human rights committees in the Bahia legislature and the lower house of the Congress, in Bahia State alone death squads murdered 123 persons from January to August, compared with 321 persons in all of 2001. These numbers represented about 10 percent of all adolescent and young adult murder victims in the state. Most victims were poor and black, and in many cases they were tortured before being killed. However, Bahia's public security secretary, testifying in a Justice Ministry investigation, denied the existence of death squads in the state.

In April and May 2001, the authorities arrested eight uniformed policemen, an investigative policeman, and two firemen suspected of participating in death squad killings in Rio de Janeiro State. Three of the suspects were accused of the April 2001 murder of 21-year-old Leonardo Marinho, son of another fireman. There was no further information on the case.

In Espirito Santo State, a 1999 state police investigation and a state parliamentary committee of inquiry initially reported that an informal organization called the "Squad le Cocq" involving police, judicial, and elected authorities—including president of the State Assembly Jose Carlos Gratz—was responsible for the vast majority of organized crime in the state. However, a yearlong investigation by the parliamentary committee failed to prove any of the accusations against Gratz. The legislator was reelected in October, but an election court judge annulled the result on grounds that Gratz had committed illegal acts during his campaign. Press reports indicated continuing activity by organized crime in Espirito Santo. Human rights activists, NGOs, and politicians urged the Federal government to intervene, and late in the year a federal-state task force began investigations to root out organized crime in the state.

Many persons have been killed in recent years in conflicts involving disputes over land ownership and usage. The MST continued its campaign of legal occupation of lands identified as unproductive and illegal occupation of land not so designated. The MST also continued its occupation of public buildings. MST activists often used confrontational and violent tactics and destroyed private property during some occupations. The Catholic Church's Pastoral Land Commission (CPT), the country's foremost entity monitoring human rights in rural areas, reported that at least 16 rural

laborers were murdered in land conflicts. Moreover, according to CPT, at least 73 persons received death threats as a result of land disputes.

A 2000 CPT report concluded that the impunity enjoyed by landed interests as a result of the "fragile" justice system and the collusion of local political interests continued to encourage serious human rights abuses of landless activists, including murder and torture. However, the report also noted that the tactics of the land reform movement led to a self-perpetuating cycle in the past several years, in which increased confrontation and tension led to increased government attention, encouraging in turn more land occupations.

No arrests or prosecutions were reported in the 2001 killings of two leaders of landless movements in the State of Mato Grosso do Sul: In April 2001, Jose Rafael do Nascimento, founder and leader of the Movement of Rural Workers (MTR), was killed by civil police, who alleged he was shot while resisting arrest in connection with homicides in Sao Paulo, and in June 2001, Valdecir Padilha, a local leader of the MST, was killed by an unidentified gunman. There was no further information available on either case.

There were no known developments in the killings in 2000 of Jose Dutra da Costa, a rural activist in Para State and Manuel Souza Neto, a leader of the MST. Landowners were suspected of involvement in both cases.

Military police involved in the 1996 massacre of 19 MST protesters at Eldorado dos Carajas, Para State, went on trial in April. Of the 146 police tried, 144 were absolved, and 2 were convicted. Major Jose Oliveira was sentenced to 158 years in prison, and Lieutenant Colonel Mario Pantoja to 228 years. Both appealed the verdict and remained free. AI criticized the decision, citing numerous errors in the trial.

Violence committed against children remained a serious problem. A UNESCO study reported that 75 percent of deaths of adolescents between the ages of 15 to 19 resulted from violence.

b. Disappearance.—Police were implicated in kidnapings for ransom. Most observers believed that uniformed and civil police involvement in criminal activity, including kidnaping and extortion, was widespread. (*see* Sections 1.a. and 1.c.).

On January 24, then-President Cardoso issued a temporary executive decree authorizing the federal police to intervene at the state level in certain human rights cases, including kidnapings. The decree became law on May 8; however, the federal police were not known to have used this new authority during the year.

A 1995 law assigned government responsibility for the deaths of political activists who "disappeared" during the military regime while in custody and obligated the Government to pay indemnities of between $74,000 and $110,000 (200,000 to 300,000 reais) to each of the families. In 1997 President Cardoso signed a decree awarding reparations to the families of 43 such persons. As of August, 280 out of 366 requesters had received indemnities. A commission created by the law continued to evaluate requests for, and authorize payment of, indemnities. In October Rio de Janeiro State created a legislative commission to review requests for state indemnities for persons who disappeared or were tortured under the military regime. The indemnities, which were based on life expectancy, could range from about $28,570 to $42,860 (100,000 to 150,000 reais).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and a 1997 law prohibit torture and provide severe legal penalties for its use; however, torture by police and prison guards remained a serious and widespread problem.

In a 2001 report on torture in jails and prisons, U.N. Special Rapporteur on Torture Sir Nigel Rodley concluded that torture was still widespread, systematic, and often deadly (*see* Section 1.a.). Rodley based his report primarily on visits to prisons in five different states during 2000. Torture was reportedly practiced during every phase of detention: Initial questioning, temporary detention, and long-term detention. Rodley noted that the most common forms of torture were electric shocks, beatings, and threats. Usually the torture victims were poor and uneducated. According to Rodley, police and prison officials usually were inadequately trained and unfamiliar with proper investigative procedures. In response the Government undertook to implement the report's recommendations but also noted that the Constitution restrains the Federal government from controlling the actions of state governments and police authorities.

Several human rights groups, including AI and Justica Global, issued reports during the year on torture. The AI report noted that systematic torture and maltreatment continued throughout the justice system in 2001, often commencing at the initial moment of detention. The press also claimed that GRADI police tortured prisoners.

In March two prisoners—one convicted of homicide, the other of theft—were allegedly tortured. With a judge's consent, GRADI police officers had removed the two prisoners from Sao Paulo's Carandiru prison to infiltrate a PCC gang that was planning a robbery near Guaruja, on the Sao Paulo coast. During the operation, the two prisoners attempted to escape. Police recaptured the prisoners and allegedly beat them, returning the two to prison the following day with multiple cuts and other injuries.

In July Osmarilton Meneses dos Santos was tortured and badly beaten for 3 days by civil police in Bahia State. Allegedly, the police were seeking a false confession for the robbery of a motorcycle. The victim later reported the incident to the legislature's Commission on Human Rights. Despite promises by the governor for quick action, the officers were only moved to new stations.

The police appeared to benefit from a high level of impunity in cases of torture. Often the police themselves were responsible for investigating cases of torture carried out by fellow policemen. The problem remained most pervasive at the state level. The Government began a "National Campaign to Combat Torture" to sensitize all segments of civil society—judges, attorneys, and legislators, as well as the general public—to the rights of prisoners. Judges, public prosecutors, and attorneys were expected to receive training in investigating complaints of torture. The campaign also included media advertisements that torture is a crime and a nationwide toll-free number to receive complaints.

The NGO National Movement for Human Rights, which administers the Ministry of Justice's torture hot line reported it received 873 calls alleging torture or inhuman or degrading treatment during the year. Among metropolitan capitals, Sao Paulo had the highest percentage of complaints. In 51 percent of the calls alleging torture or inhuman or degrading treatment, the alleged perpetrators were public agents—198 were civil police and 240 were uniformed police. States with the highest number of allegations of mistreatment at the hands of civil and uniformed police were Sao Paulo (175), Minas Gerais (129), Bahia (87), Para (88) and Rio (65). Sixty-nine percent of alleged victims were men, 21 percent were women, and 10 percent were juveniles. Actual incidents of torture may be significantly higher than use of the hot line indicated. A 2002 Justica Global report, citing data from two other human rights groups working in Sao Paulo State prisons, reported 1,631 cases of torture in the state's prisons.

While agreeing that the hot line was a positive step, human rights activists cautioned that it did not attack the heart of the mistreatment problem. The activists urged that attorneys, prosecutors, and judges receive training on how to investigate allegations of torture and bring offenders to justice.

Long delays in the special police courts allowed many cases of torture and lesser charges to expire due to statutes of limitations (*see* Section 1.e.).

The police investigation in the February 2001 torture case of Wander Cosme Carvalheiro (whom Sao Paulo civil police were accused of torturing while trying to obtain a murder confession) was still underway. The report on the police investigation in the case of Marcos Puga—allegedly beaten by Sao Paulo police in 2000—was referred to the court in August for a determination of whether to bring criminal charges against the police officials involved in the incident; a separate disciplinary inquiry remained underway. No new information was available on the case of two alleged cigarette smugglers in Foz de Iguacu reportedly beaten by two police officers.

At year's end, a local court was still conducting pretrial hearings of witnesses regarding the allegations that in January 2001 police in Minas Gerais beat and tortured Alexandre de Oliveira into falsely confessing that he had raped his infant daughter.

There was no further progress by year's end in the case of two alleged shoplifters reportedly tortured in January 2001 by Carrefour department store security guards and local drug traffickers.

Police violence against homosexuals continued (*see* Section 5). Gay rights activists in the city of Recife compiled substantial evidence of extortion and the unlawful use of violence against transvestite prostitutes. Police routinely extorted money from transvestites and often beat or killed those who failed to cooperate. Several NGOs documented the existence of skinhead, neo-Nazi, and "machista" (homophobic) gangs that attacked suspected homosexuals in cities including Rio de Janeiro, Sao Paulo, Salvador, Belo Horizonte, and Brasilia (*see* Section 5). In some cases, these gangs allegedly included police officers.

Human rights groups criticized the alleged sexual abuse of members of indigenous groups by army units stationed in Roraima State (*see* Section 5).

The National Secretariat for Human Rights sponsored human rights training programs throughout the country in cooperation with federal and state entities and na-

tional and international organizations. The Secretariat administered human rights training for policemen in cooperation with AI in 10 states. Human rights groups maintained that the effect of these programs was limited. However, human rights activists in many states reported willingness of police authorities to address their concerns and to deal with problems brought to their attention.

Respect for human rights and sensitivity to the problems of minorities and the poor were included in police training in Rio de Janeiro. An Institute for Public Security, created in 2000 to reform police organization, recruitment, and training in Rio de Janeiro, made only limited progress in improving human rights performance of the police. A number of states have established ombudsmen (*see* Section 4).

In December the International Committee of the Red Cross (ICRC) concluded its human rights training courses for high-ranking state military police officers at the Federal Police Academy in Brasilia. Military police from several states were trained in basic techniques, including the apprehension and interrogation of criminal suspects without recourse to excessive or unnecessary force.

Sao Paulo's community policing initiative provided training to about one-fifth of the city's uniformed police force under the state initiative. Pursuant to the initiative, high-ranking police officials met with citizens' consultative groups weekly. The uniformed police also instituted a policy of "recycling" policemen involved in shootings, removing them from patrols for 6 months and offering them counseling.

Prison conditions throughout the country ranged from poor to extremely harsh and life threatening. Penal authorities in those states with the highest prison populations often did not separate young offenders from adults and petty offenders from violent criminals. Prison riots were frequent. Discipline was difficult to maintain under such conditions, and prison officials often resorted to brutal treatment, including torture. Harsh or dangerous working conditions, official negligence, poor sanitary conditions, abuse and mistreatment by guards, and a lack of medical care led to a number of deaths in prisons (*see* Section 1.a.). The poor working conditions for prison guards also encouraged corruption. According to an official in Sao Paulo State's School of Penitentiary Administration, however, guards were investigated more aggressively and disciplined more effectively. This official also noted the 2- to 5-year period required to fire corrupt police and prison guards had been cut to 8 months.

Sao Paulo State prison officials took steps to improve the quality of the guard force, including training over 7,000 guards during the year, with instruction in human rights, infectious diseases, drug addiction, and ethics. The Sao Paulo State also attempted to improve conditions by building more prisons and creating committees of community leaders to monitor prison conditions. Sao Paulo State—like the states of Parana and Rio Grande do Sul—had a prison ombudsman program.

Severe overcrowding in prisons and police detention centers was prevalent and was most critical in the states with the largest prison populations, including Sao Paulo, Rio de Janeiro, Bahia, Rio Grande do Sul, Maranhao, Mato Grosso do Sul, Minas Gerais, Parana, and Pernambuco. A national prison census completed in November 2001 indicated that there were approximately 233,000 prisoners in a prison system designed to accommodate 167,000 prisoners. Construction of penitentiaries continued but was inadequate to alleviate overcrowding.

Sao Paulo State completed 10 model prisons, or "resocialization centers," and 5 more were under construction, each designed to hold 210 prisoners. In addition to the resocialization centers, 39 penitentiaries were under construction in Sao Paulo State during the year. Seven were operational at year's end.

Overcrowding was an even greater problem in police jails than in penitentiaries. The jails were intended to be temporary holding facilities; however, due to pretrial delays and overcrowding in state penitentiaries, almost 53,000 of the 229,000 prisoners resided in local lockups, awaiting either trial or transfer to state penitentiaries. According to Sao Paulo State's School of Penitentiary Administration, approximately 14,000 persons awaiting trial were incarcerated in the state's local police stations. Another 12,500 who had been tried and convicted were awaiting transfer to permanent facilities.

Overcrowding, poor conditions, prisoner riots, and accusations of sexual abuse and torture pervaded Sao Paulo's juvenile detention centers, known as FEBEM. Early in the year, Maria Luiza Granado was appointed to oversee Sao Paulo's 57 FEBEM facilities—the sixth FEBEM president in just over 2 years.

The number of inmate rebellions decreased—a trend that the Public Prosecutor for Children and Youth attributed to greater efforts by the authorities to maintain peace during an election year. According to the Public Prosecutor, the number of complaints of torture against juvenile inmates in Sao Paulo increased to 93 in the first half of the year.

Construction of new FEBEM facilities continued at a slow pace. After prison riots in 1999, Sao Paulo State undertook to build 20 new FEBEM facilities; 10 new facilities were completed and 8 were renovated by year's end.

On January 2, Fernando Dutra Pinto, the convicted kidnaper of the daughter of a television personality, died in the Belem Provisionary Detention Center, in Sao Paulo. An investigation by a University of Sao Paulo pathologist found that Pinto—who had been attacked by prison guards on December 10, 2001—had suffered a cut that developed into a generalized infection. Left untreated, the wound contributed to Pinto's death. The four guards suspected of having carried out the attack were not relieved of duty but were transferred to other prisons. The Civil Police initiated an administrative inquiry into the case. By year's end, no one had been tried for criminal misconduct.

In the first half of the year, there were four new accusations of torture at FEBEM's Franco da Rocha site. One youth alleged the existence of a torture room. The Brazilian Bar Association (OAB) cited 100 percent overcrowding in the facility, leading to "an extraordinary state of tension." In March two of the directors of the Franco da Rocha complex were relieved of duty, leading to a 1-day strike by over 90 percent of the guard force.

A July rebellion at the Tatuape FEBEM facility resulted in a number of injuries but no deaths.

The Public Prosecutor for Children and Youth acknowledged that FEBEM's Unit 27 of the Raposo Tavares complex had been the subject of numerous complaints of torture. In November 2001, a judge ordered that 16 guards and 4 directors of the facility be criminally prosecuted for torture. Despite the court order, the accused remained on duty at the complex. A subsequent accusation of torture was substantiated and led to the removal of one of the directors in July.

FEBEM's Parelheiros facility was closed in July at the orders of both a judge and the governor of Sao Paulo. NGOs and public prosecutors had protested that juveniles should not be housed in the converted adult maximum-security prison.

There was no new information on the case of the May 2001 rebellion at the Tatuape FEBEM facility. Following the rebellion, guards allegedly beat 78 inmates.

In December a UNICEF Project Coordinator criticized the FEBEM incarceration system in a press interview. In response to an AI criticism of the Sao Paulo government, the FEBEM president stated that 600 guards were relieved in 2001 based on abuse allegations, and that all juveniles were treated in accordance with the law. In May the State of Sao Paulo reduced the number of public defenders assigned to FEBEM from 13 to 7. AI expressed its concern over this further reduction in resources.

In November the IACHR announced plans to investigate systematic human rights abuses in FEBEM institutions in response to eight specific cases in which the Sao Paulo State Justice Tribunal had halted investigations into mistreatment of inmates on the grounds that they prejudiced "public security." FEBEM responded that such an investigation would be irrelevant since the facilities already had been closed.

Prisons generally did not provide adequate protection against violence inflicted by inmates on one another. In April three inmates, two of whom were 18 years old, were decapitated by fellow inmates in the Praia Grande Jail in Santos, Sao Paulo. One was also dismembered. In the confusion that followed, 10 prisoners escaped. At the time, the prison, with a capacity of 512, held 788 prisoners.

In September Sao Paulo State closed the Carandiru prison complex, the scene of a 1992 riot in which state police killed 111 prisoners and where 16 inmates were killed in a 2001 riot. Carandiru's approximately 7,000 inmates were moved to smaller prisons throughout the state and other parts of the country.

Although there was no official count, there were numerous prison riots and rebellions during the year.

In January a prison rebellion provoked by warring factions left 45 dead in the White Bear Penitentiary in Rondonia State. Most of the deaths appeared to have resulted from prisoner-on-prisoner violence, although NGOs attributed some of the deaths to use of excessive force by penal authorities.

Prisoners also were subjected to extremely unhealthy conditions. Scabies and tuberculosis—diseases uncommon in the general population—were widespread in Sao Paulo prisons, as were HIV/AIDS and even leprosy. In December 2001, the Ministry of Justice estimated that 10 to 20 percent of the national prison population was HIV positive. Denial of first aid and other medical care sometimes was used as a form of punishment. According to the U.N. Committee on Torture's report, homosexuals and patients with AIDS were discriminated against in prisons and often confined in separate cells.

The judiciary's ineffective use of alternative sentencing contributed to the problem of overcrowding. Only 10 states used alternative punishments, and only 3 percent of convicted prisoners received such a sentence.

Authorities attempted to hold pretrial detainees separately from convicted prisoners; however, due to prison overcrowding, pretrial detention facilities often were also used to house convicted criminals.

The States of Rio de Janeiro and Sao Paulo provided separate prison facilities for women; however, in those states, there were no facilities for women that had only women guards and wardens. Elsewhere women were held with men in some facilities. Male officers served in women's prisons, and abuse and extortion of sexual favors were common. In Rio de Janeiro State, there were only two police districts in which women were held in gender-segregated short-term jail facilities. Women's facilities in Sao Paulo's penitentiary system were even more overcrowded than those for men. There were 1,971 women in facilities built to accommodate 1,700 female inmates.

It is government policy to permit prison visits by independent human rights observers, and state prison authorities generally followed this policy in practice. Federal officials in the Ministry of Justice responsible for penal matters offered full cooperation to AI, which reported no significant problems in gaining access to state-run prison facilities.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention and the Government generally observed these prohibitions; however, police continued at times to arrest and detain persons arbitrarily. The Constitution limits arrests to those caught in the act of committing a crime or those arrested by order of a judicial authority.

Human rights observers alleged that civil and uniformed police regularly detained persons illegally to extort money or other favors.

The authorities generally respected the constitutional provision for a judicial determination of the legality of detention, although many convicted inmates were detained beyond their sentences due to poor record keeping. The law permits provisional detention for up to 5 days under specified conditions during a police investigation, but a judge may extend this period. In general detainees were allowed prompt access to family members or a lawyer, but there were cases when detainees—typically poor and uneducated—were held longer than the provisional period. Groups that assisted street children claimed that the police sometimes detained youths without judicial orders or held them incommunicado.

In criminal cases, defendants arrested in the act of committing a crime must be charged within 30 days of their arrest. Other defendants must be charged within 45 days, although this period may be extended. In practice the backlog in the courts almost always resulted in extending the period for charging defendants.

Bail was available for most crimes, and defendants for all but the most serious crimes had the right to a bail hearing.

The Constitution prohibits forced exile, and it was not practiced.

e. Denial of Fair Public Trial.—The judiciary is an independent branch of government; however, it was inefficient, often subject to political and economic influences—especially at the state level—and lacked adequate resources. Judicial officials were often poorly trained. In many instances, poorer, less educated citizens made limited use of the appeals process that might ensure their rights to a fair trial.

The judicial system with the federal Supreme Court at its apex included courts of first instance and appeals courts. States organized their own judicial systems but must adhere to the basic principles in the Constitution. Specialized courts dealt with police, labor, elections, juveniles, and family matters.

Based on the police investigation that led to the formal charges, prosecutors prepared an indictment for the review of a judge who determined if the indictment met the legal requirements to bring the accused to trial. A jury process tried those accused of capital crimes, including attempted homicide. A judge tried lesser crimes. Defendants had the right to appeal all convictions to state superior courts. They had the further right to appeal state court decisions to both the federal Supreme Court on constitutional grounds and to the federal Superior Court to contest whether a decision was consistent with the decision of a court in another state or infringed on federal law. All defendants sentenced to 20 years in prison or more had the automatic right to a retrial.

Special police courts composed of four ranking state uniformed police officials and one civilian judge had jurisdiction over state uniformed police (except those charged with homicide). Most police accused of crimes appeared before these courts (which are separate from the courts-martial of the armed forces, except for the final appeals court). Within these courts, conviction was often the exception rather than the rule.

With too few judges for the caseload, there were severe backlogs, and human rights groups noted a lack of willingness by police to investigate fellow officers. Long delays allowed many cases of torture and lesser charges to expire due to statutes of limitations.

The law provides civilian courts with jurisdiction over cases in which uniformed police officers were accused of homicide (*see* Section 1.a.). However, except for the most egregious cases, the internal police investigation determined whether the homicide was intentional, while the police tribunal decided whether to forward the case to a civilian court for trial. As a result, few cases were referred to the civilian courts. The average case took 8 years to reach a definitive decision. At the appellate court level, a large backlog of cases hindered the court's ability to ensure fair and expeditious trials.

There continued to be numerous credible reports of state police officials' involvement in intimidation and killing of witnesses involved in testifying against police officials (*see* Sections 1.a. and 1.c.).

Defendants were entitled to counsel and must be made fully aware of the charges against them. There was no presumption of innocence. According to the Ministry of Justice, approximately 85 percent of prisoners could not afford an attorney. In such cases, the court must provide one at public expense; the law requires courts to appoint private attorneys to represent poor defendants when public defenders are unavailable; however, often no effective defense was provided.

The right to a fair public trial as provided by law generally was respected in practice, although in some regions—particularly in rural areas—the judiciary generally was less professionally capable and more subject to external influences. Similarly, when cases involved gunmen hired by landowners to kill squatters or rural union activists, local police often were less diligent in investigating, prosecutors were reluctant to initiate proceedings, and judges found reasons to delay (*see* Section 1.a.).

Low pay and exacting competitive examinations that could eliminate as many as 90 percent of the applicants made it difficult to fill vacancies on the bench. The law requires that trials be held within a set period of time from the date of the crime; however, due to the backlog, old cases frequently were dismissed unheard. This practice reportedly encouraged corrupt judges to delay certain cases purposely so that they could eventually be dismissed. Defense counsel often delayed cases in the hope that an appeals court might render a favorable opinion, and because they were paid according to the amount of time that they spend on a case.

According to one observer, courts convicted a much higher percentage of Afro-Brazilian defendants than they did whites (*see* Section 5).

There were no reports of political prisoners, although the MST claimed that its members jailed in connection with land disputes were in effect political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices; however, there were reports that the police conducted searches without a warrant (*see* Section 1.c.). Wiretaps authorized by judicial authority were permitted.

The inviolability of private correspondence generally was respected.

In midyear a human rights NGO and the press reported that armed drug traffickers in several slums in Rio de Janeiro forced families out of their homes if they refused to comply with traffickers' demands or tolerate illegal drug sales in the neighborhood. In one case, traffickers allegedly murdered a 15-year-old girl in her home and caused the rest of her family to flee. In November the NGO reported that an average of 33 families per week were displaced in this manner. According to the NGO and press reports, police often assisted the families in moving, but failed to provide protection that would enable them to remain in their homes.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution prohibits all forms of censorship and provides for freedom of speech and a free press, and the authorities generally respected these rights in practice; however, there were several attacks against journalists during the year.

Privately owned newspapers, magazines, and a growing number of on-line electronic publications vigorously reported and commented on government performance. Both the print and broadcast media routinely discussed controversial social and political issues and engaged in investigative reporting. Most radio and television stations were owned privately; however, the Government had licensing authority, and politicians frequently obtained licenses. The Liberal Party controlled a national network of radio and television stations. Current or former congressional representatives, some of whom were members of the committee that oversees communications, owned many television and radio stations, as well as local newspapers. It was un-

known how many media outlets were controlled indirectly by politicians, since concessions often were registered in the names of family members or friends.

Penalties for libel under the 1967 Press Law include imprisonment, which rarely was imposed. The National Newspaper Association (ANJ) pressed for an updated press law, noting that the existing law does not establish criteria for calculating maximum fines for libel. The ANJ and newspaper owners throughout the country complained about huge fines and jail terms imposed against newspapers for "moral damage" that appeared aimed at crippling news organizations.

Complex electoral campaign laws regulate the broadcast media and apportion the free use of commercial radio and television broadcast time granted to political parties during an election campaign. The short periods for rulings and nonappeal provisions of the regulations are designed to enforce discipline and ensure that remedies are applied in a timely manner. Media and free speech advocates generally accepted the manner in which the campaign laws were enforced.

Foreign publications were distributed widely; prior review of films, plays, and radio and television programming was used only to determine a suitable viewing age.

The National Federation of Journalists (FENAJ) and the ANJ documented a number of violent attacks, including killings and threats, against journalists. The August 2001 ANJ report—covering the period August 2000 through July 2001—listed seven cases of physical aggression against journalists (including one case that involved Brazilian journalists in Paraguay). The ANJ report noted that seven journalists were murdered since 1995 and that none of the crimes had been solved. The ANJ further stated that impunity for crimes committed against journalists in conjunction with the inappropriate and inconsistent application of the Press Law impeded the functioning of a free press.

In October the NGO Reporters without Borders denounced the 1998 murder of journalist Manoel Leal in Itabuna, Bahia, as an attack on press freedom and called on the authorities to revive the stalled investigation of the case.

In September Savio Brandao, owner of the Folha do Estado newspaper in Mato Grosso State, was killed at close range, allegedly by hit men. The newspaper had been carrying stories on organized crime in the state. A police chief characterized the murder as "a carefully executed crime." In October former uniformed police officers Hercules Araujo Agostinho and Celio de Souza were arrested for the crime and at year's end were awaiting trial. The Minister of Justice promised federal assistance in the form of a federal police antiorganized crime taskforce to assist the State of Mato Grosso's investigation.

In October journalist Felipe Santolia—who had published articles about corruption in Piaui State and alleged that congressmen in the state had bought votes—was tied and nailed to a tree in a mock crucifixion but survived.

On October 23, a regional election tribunal judge in Brasilia ordered the seizure of all copies of the next day's edition of the newspaper Correiro Braziliense if it printed the transcript of the governor's phone conversations that reportedly implicated the governor in an illegal land deal. The judge acted at the request of the governor and the Frente Brasilia Solidaria, which backed him in the election. The judge's order was overturned by the Supreme Election Tribunal.

In June prominent television journalist Tim Lopes was murdered in Rio de Janeiro; seven persons accused of the crime were arrested in September, and their trial was pending at year's end. A human rights NGO reported in November that, as a result of this case, newspaper editors had instructed their reporters to be more cautious in pursuing their investigations and to stay out of high risk areas. According to the Inter-American Press Association, Lopes was the fourth journalist murdered in Rio de Janeiro State since 1994.

There were no further developments in the case of the August 2001 murder of journalist Mario Coelho de Almeida Filho in Rio de Janeiro. Coelho was killed the evening before he was to testify in a criminal defamation lawsuit involving a local politician.

A domestic television journalist, who in August 2001 received repeated implied death threats after her series of investigative reports on drug trafficking in Rio de Janeiro's shantytowns, remained in hiding after failing to receive the police protection she had requested.

The Government did not impose restrictions on the use of the Internet; however, federal and state police began to monitor the Internet to detect on-line recruitment by sex traffickers (*see* Section 6.f.).

The Government did not restrict academic freedom.

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

Permits were not required for outdoor political or labor meetings, and such meetings occurred frequently.

On March 25, approximately 150 members of the MST invaded Fazenda Santa Maria, the farm of a personal friend and business partner of then-President Cardoso. The invasion came in retaliation for the arrest of 16 MST leaders during the March 23–24 occupation of President Cardoso's farm.

In 2000 police injured more than 30 persons while using bullets and tear gas to disrupt a march protesting ceremonies marking the quincentennial of the arrival of the Portuguese. Indigenous leaders filed suit against the police for damages and at year's end continued to press the Minister of Justice to accelerate a decision in the case.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. In the 2000 census approximately 74 percent of the population identified themselves as Roman Catholic; however, there was no favored or state religion. There were no registration requirements for religions or religious groups, and all faiths were free to establish places of worship, train clergy, and proselytize. The Government controlled entry into indigenous lands and required missionary groups to seek permission from the FUNAI.

Leaders in the Jewish community expressed concern over the continued appearance of anti-Semitic material on Internet websites compiled by neo-Nazi and "skinhead" groups.

In September a Rio de Janeiro state court upheld a sentence of community service imposed on a writer for publishing anti-Semitic slurs in a small-city newspaper. In October a court in Minas Gerais State imposed a fine of $500 (1,800 reais) on a retired lawyer for using a racial slur in talking with a 29-year-old stonemason (*see* Section 5).

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice, although there were restrictions on entry into protected indigenous areas, and a parent is not allowed to leave the country with children under the age of 18 without the permission of the other parent.

A 1997 law provides for asylum and refugee status in accordance with the principles of the 1951 U. N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provided first asylum and cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were an estimated 2,894 refugees in the country, mostly from Angola and other African countries, but also including persons from Iran, Bosnia, and Kosovo. The Government expanded its resettlement program to accept UNHCR referral of 100 refugees from Iran, Namibia, and Afghanistan. During the year, a total of 68 persons were granted refugee status, out of a total of approximately 531 requests. According to the Ministry of Justice, the number of refugees granted asylum was significantly lower than in 2001 due to the end of the Angolan civil war.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting is secret and mandatory for all literate citizens aged 18 to 70, except for military conscripts who may not vote. It is voluntary for minors from 16 to 18 years of age, for the illiterate, and for those aged 70 and over.

In the October national elections, Worker's Party candidate Inacio Luiz Lula da Silva won a 4-year term with over 61 percent of the vote in the second-round runoff.

The Chamber of Deputies has 513 seats; the Senate has 81 seats. In the October elections, the PT won 91 Chamber seats and 14 Senate seats, becoming the largest single party in the Chamber. At year's end, the PT was negotiating with other parties to build majority coalitions in both houses.

A September 2001 constitutional amendment limits the President's power to legislate by "provisional measure" (MP). The amendment limits the validity of presidential MPs to 60 days (renewable once). The President no longer may issue MPs that address nationality, citizenship, political rights, legal due process, or the judi-

cial branch, or that could change the Constitution or the budget (except under extraordinary circumstances).

Women had full political rights under the Constitution and were increasingly active in politics and government. Cultural, institutional, and financial barriers continued to limit women's participation in political life. In the October elections, there were 2,647 female candidates (14 percent of the total), compared with 1,778 female candidates in 1998 (12 percent of the total). Representation of women in the national Congress increased from 6.1 percent to 8.4 percent after the October elections: 42 women were elected to the Chamber of Deputies and 8 to the Senate. Incoming President Lula da Silva nominated four women to hold cabinet-level positions, including that of Secretary of State for Women's Affairs, which previously was supervised by the Ministry of Justice and now reports directly to the President.

Diverse ethnic and racial groups, including indigenous people, were free to participate politically.

In September the regional electoral tribunal in Acre State ruled that incumbent Governor Jorge Viana could not stand for reelection because of alleged campaign law abuses. The TSE overturned the decision.

In September several voters in poor regions of the Federal District alleged that they had received threats from representatives of the governor and other incumbent candidates campaigning for reelection. Voters alleged that they were warned that if they did not vote for the specified candidates, health and other social benefits would be cut off.

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

Local and national human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Federal officials usually were cooperative and responsive to their views. Federal and state officials in many cases actively solicited the aid and cooperation of NGOs in addressing human rights problems; however, human rights monitors occasionally were threatened and harassed for their efforts to identify and take action against human rights abusers, especially members of the state police forces.

AI denounced death threats made during the year against more than 50 human rights activists working in Espirito Santo State and called on the state government to do more to investigate human rights abuses and organized crime. AI also challenged President Cardoso to do more to assist the Ministry of Justice's investigation into the abuses in Espirito Santo.

Denise Frossard, a retired judge working for Transparency International, received death threats. Former military policeman Jadir Simeone Duarte—who allegedly received an offer of $270,000 (1 million reais) to kill Frossard—was arrested before he could commit the murder.

The Justice Ministry's National Secretariat of Human Rights administered and sponsored programs to reduce violence among the poor, to train police officials in human rights practices, and to combat discrimination against blacks, women, children, indigenous peoples, the elderly, and persons with disabilities.

During the year, the Government appointed Paulo Sergio Pinheiro, former U.N. Special Rapporteur for Human Rights in Burundi and the U.N. Special Rapporteur for Human Rights in Myanmar, as the new Secretary for Human Rights. In October 2001, the Government established a Federal Commission Against Torture (*see* Section 1.c.).

A number of states have ombudsmen (*see* Sections 1.a. and 1.c.). However, some NGOs and human rights observers questioned the independence of some of the ombudsmen. All ombudsmen offices suffered from insufficient resources.

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

The law prohibits discrimination on the basis of sex, race, religion, or nationality; however, discrimination against women, blacks, and indigenous people continued unabated, and there was widespread violence against homosexuals. The International Labor Organization (ILO) noted that significant differences in wages affected women and blacks, particularly in rural areas. A 1997 law provides prison penalties and fines for racist acts, including promulgation of pejorative terms for ethnic or racial groups, use of the swastika, or acts of discrimination based on sex, religion, age, or ethnic origin. There were no known convictions under this law.

There continued to be reports of violence against homosexuals, although it was not always clear that the victim's sexual orientation was the reason for the attack. The Gay Group of Bahia (GGB), the country's best known homosexual rights organization, and AI documented the existence of skinhead, neo-Nazi, and "machista" gangs that attacked suspected homosexuals in cities including Rio de Janeiro, Sao

Paulo, Salvador, Belo Horizonte, and Brasilia. In some cases, these gangs included police officers (*see* Section 1.c.).

The GGB claimed that 132 homosexuals—male and female—were killed in 2001. Transvestite prostitutes—the most visible homosexual group—were at greatest greater risk of violence; there were reports of police abuse of transvestites (*see* Section 1.c.). The police reportedly investigated 46 murders related to homosexuality.

In September Igor Xavier was reportedly killed in Minas Gerais State by an antigay farmer. The farmer, who admitted the shooting, claimed that the victim abused his 19-year-old son; however, evidence pointed to an elaborately planned murder. According to witnesses, the farmer met Xavier at a bar, took him home, shot him twice at close range, and dumped the body on the side of a rural highway. The farmer's family members later helped him clean up the murder scene.

In April Jose Marcio Santos Almeida, a known homosexual, was stoned and beaten in a small town in Alagoas State. Before dying the following day, Almeida named his attackers, who were arrested and remained in police custody at year's end. His death was labeled a hate crime. A 2000 survey conducted on the killing of homosexuals registered 28 deaths in Sao Paulo, 18 in Pernambuco, and 10 in Alagoas. Bahia State allegedly recorded 1,960 homosexual-related killings between 1980 and 2000.

In the case of the 2000 beating death in Sao Paulo of Edson Neris da Silva—seen holding hands with another man—a court sentenced two alleged gang members to 21 years in prison, while a third suspect received a lighter sentence. The status of the court cases against 15 other defendants in the case was unknown.

The Secretariat of State Security of Rio de Janeiro, in partnership with NGOs, continued to operate a hot line for complaints of violence or other crimes against homosexuals, as well as for complaints of prejudice, discrimination, or other crimes based on race, ethnicity, color, religion, or national origin. The offices in police headquarters where both hot lines were located also offered professional counseling to victims of such offenses.

Women.—The most pervasive violations of women's rights involved sexual and domestic violence, which were both widespread and underreported. Most major cities and towns had special police offices to deal with such crimes against women; however, reporting crimes and receiving help continued to be a problem for women living in remote areas sometimes great distances from the nearest special office. For example, the large but sparsely populated states of Acre and Roraima each had only one such office.

In Rio de Janeiro an integrated center for support to women victims of violence or discrimination, which opened in March 2001, provided psychological and legal assistance to 130 women per month and had a hot line to encourage women to register complaints. Women who consulted the center about domestic violence could stay at women's shelters run by the city of Rio de Janeiro and a smaller town. Demand by women and their children to stay in the shelters exceeded their capacity.

Each state secretariat for public security operated "women's stations" (delegacias da mulher). However, the quality of services provided varied widely, and the availability was especially limited in isolated areas. The stations were intended to provide the following services for victims of domestic violence: Psychological counseling; a "shelter home" for victims of extremely serious abuses who had no place to go; hospital treatment for rape victims, including treatment for HIV and other sexually transmitted diseases; and initiation of criminal cases by investigating and forwarding evidence to the courts. However, a November 2001 Ministry of Justice report revealed that many of the women's stations fell far short of standards. For example, 20 percent lacked a conventional telephone line, 53 percent lacked police officers trained in dealing with violence against women, and 77 percent did not have an officer on duty 24 hours a day. In Rio de Janeiro State, the women's police stations registered 1,364 cases of sexual violence against women during the year, a 2.4 percent increase over the 1,332 cases in 2001.

The sentences for rape varied from 8 to 10 years. An offender accused of domestic violence in a case that did not involve a serious offense and carried penalties of less than 1 year's imprisonment could receive alternative sentencing with no jail term. A national study of rape cases carried out by a group of Sao Paulo academics indicated that family members committed roughly 70 percent of rapes.

Spousal rape is illegal; however, men who committed crimes against women, including sexual assault and murder, were unlikely to be brought to trial. A 1999 study indicated that 70 percent of criminal complaints regarding domestic violence against women were suspended without a conclusion. Only 2 percent of criminal complaints of violence against women led to convictions. In 1998 the National Movement for Human Rights (NMHR) reported that female murder victims were 30

times more likely to have been killed by current or former husbands or lovers than by others, a rate that the NMHR believed still continued.

Adult prostitution is not illegal; however, various associated activities, such as running an establishment of prostitution, are illegal.

Trafficking in women for the purpose of prostitution was a serious problem (*see* Section 6.f.).

Sexual harassment is a criminal offense, punishable by 1 to 2 years in jail. In addition to its application in the workplace, the law encompasses sexual advances between family members, individuals in educational institutions, and service providers or clients. In the workplace, it applies only in hierarchical situations, where the harasser is of higher rank or position than the victim.

The Constitution prohibits discrimination based on gender in employment or wages and provides for 120 days of paid maternity leave. However, the provision against wage discrimination rarely was enforced. According to a study conducted by the Getulio Vargas Foundation, women had to study 25 percent more in order to receive the same salary as men. On average, each additional year of studies yielded a 10 percent salary increase for men, and only an 8 percent increase for women.

A 2000 study by the Brazilian Institute of Geography and Statistics (IBGE) indicated that in the country's six largest metropolitan areas, the median income for women was 67 percent that for men; 1998 government statistics indicated that women with a high-school education or less earned, on average, 63 percent of the salaries earned by men with comparable education. Afro-Brazilian women earned on average 26 percent of a white male's salary. A 2001 Ministry of Labor survey reported that the average starting salary for high school educated women in Sao Paulo was one-third less than the average starting salary for high school educated men. According to the Ministry of Labor and Employment (MLE), Centers for the Prevention of Workplace Discrimination existed in 16 states. These centers, which were housed in regional bureaus of the Ministry, promoted programs to end discrimination in the workplace and cultivated partnerships with other organizations that combat discrimination. The centers also served as clearinghouses for allegations of discrimination.

The Maternity Leave Law prohibits employers from requiring applicants or employees to take pregnancy tests or present sterilization certificates; however, some employers sought sterilization certificates from female job applicants or tried to avoid hiring women of childbearing age. Employers found violating the law are subject to a jail term ranging from 1 to 2 years, while the company must pay a fine equal to 10 times the salary of its highest-paid employee. At year's end, there was no information on enforcement of this law.

In December in one of his first appointments, incoming President Lula da Silva named a woman to the newly created cabinet-level position of Secretary of State for Women's Affairs.

Children.—Millions of children continued to suffer from the poverty afflicting their families, worked to survive, and failed to get an education. Schooling is free and compulsory between the ages of 7 and 14 and was available in all parts of the country; however, not all children attended school regularly. The rate of school enrollment of children aged 7 to 14 increased from 89 percent in 1994 to 95 percent in 1999, but there were still 1.1 million children in this age group who did not attend school. Repetition rates and the poor quality of public schools continued to be a problem. Fully 40 percent of first-graders repeated the year, and in a number of states first-graders were more likely to fail than to pass. Girls and boys attended school in roughly comparable numbers.

In 2000 UNICEF reported that each year nearly 100,000 children died before their first birthday, almost half during the perinatal period. Between 1989 and 1999, the national infant mortality rate declined from 51 to 34 per 1,000 live births; however, in some states, such as Alagoas, it was as high as 72 per 1,000, and some municipalities had rates of 110 per 1,000.

A 2001 UNICEF report based on 1999 data estimated that over 20 million children and adolescents—almost 39 percent of the total—lived in poverty. The Inter-American Development Bank estimated in 2001 that 30 million children lived below the poverty line.

Child abuse was widespread, but the 2001 UNICEF report noted that there were no useful nationwide statistics on its extent.

Sexual exploitation of children and child prostitution remained a significant problem throughout the country. In association with the Ministry of Justice, the NGO ABRAPIA since 1997 has operated a telephone hot line to register complaints of sexual abuse against children and adolescents. In the 5-year period ending December 2001, the hot line received a monthly average of 40 complaints nationwide, of which one-third came from the States of Rio de Janeiro and Sao Paulo. In the first 6

months of the year, the hot line received 797 complaints, compared with 303 in the first 6 months of 2001. ABRAPIA also administered the "SOS-child" program in Rio de Janeiro State that registered complaints of domestic abuse against children and provided medical and social assistance.

A 1999 study by the Reference Center on Children and Adolescents (CECRIA), an entity within the National Human Rights Secretariat, indicated that patterns of sexual exploitation of children corresponded to the distinct economic and social profile of the country's region. In the northern Amazonian region, sexual exploitation of children centered around brothels that catered to mining settlements. In the large urban centers, children, principally girls, who left home to escape abuse or sexual exploitation often prostituted themselves on the streets in order to survive. In the cities along the northeast coast, sexual tourism exploiting children was prevalent and involved networks of travel agents, hotel workers, taxi drivers, and others who actively recruited children and even trafficked them outside the country (*see* Section 6.f.). Child prostitution also developed in the areas served by the country's navigable rivers, particularly in ports and at international borders. The report noted that although trafficking developed in part to meet the demands of foreigners, the local population sustained it. In 2000 the ILO reported that observers had cited over 3,000 girls who were subjected to debt servitude and forced into prostitution in Rondonia State.

A June law lengthened the maximum sentence to 10 years in prison for persons who manage brothels that exploit child prostitutes. In December the Ministry of Justice announced a program in cooperation with the U.N. Drug Control Program (UNDCP) to combat trafficking in persons for sexual exploitation—the National Plan to Combat Sexual Exploitation of Children (*see* Section 6.f.).

In 2000 the Government instituted the Sentinel Program to combat the sexual exploitation of minors. The program envisioned construction of 200 centers in capital cities and areas where sexual exploitation was prevalent, with multiprofessional staffs to assist victims of sexual abuse and exploitation. When necessary, staff also placed victims in foster homes. As of September, Sentinel included 40 centers throughout the country.

Trafficking in children for the purpose of prostitution was a serious problem (*see* Section 6.f.).

Child labor was a serious problem (*see* Section 6.d.).

There were no reliable figures on the number of street children. Some were homeless, but the majority returned to a home at night. In 2000 a study in the city of Sao Paulo found 609 children living permanently on the street; a much greater number of children spent their days on the streets but had families with whom they spent the night.

The city of Rio de Janeiro, in cooperation with NGOs, provided 41 shelters and group homes, but the shelters reportedly were overcrowded and the staff was inadequately trained; two of the shelters closed during the year. Drug use, particularly glue sniffing and crack, was increasingly prevalent among street children. NGOs reported that extreme poverty at home or sexual abuse by fathers and stepfathers were the principal reasons that many children chose to live in the streets. An IGBE study reported that 47 percent of Sao Paulo street children came from families that earned less than $150 (540 reais) per month.

Police killings of street children continued. In December 2001, U.N. High Commissioner for Human Rights Mary Robinson stated that police violence against street children was a major concern. She specifically expressed concern about the kidnaping of street children for adoption and sexual abuse.

From 1990 to 2000, there were 21 murders of boys between the ages of 9 and 13 in Maranhao State, many of whom bore signs of sexual assault. In 2000 Justica Global and the Macros Passerini Defense Fund filed a complaint with the IACHR accusing the state government and the federal authorities of failing to investigate the crimes; in November 2001 the IACHR gave the Government 2 months to investigate and halt the killings. There were no known developments in the cases by year's end.

Youth were both victims and perpetrators of violence. Of all deaths of 15- to 19-year-olds, 72 percent were due to causes such as homicide, suicide, and traffic accidents; approximately 85 percent of the victims had been sexually exploited. These violent deaths reduced by at least 3 years the average life expectancy of men. Homicide was the leading cause of death for children aged 10 to 14, and only 1.9 percent of their murderers served prison sentences.

The News Agency for Children's Rights closely tracked stories in the media, published studies, and recognized media outlets that effectively covered child welfare issues. UNICEF worked in cooperation with the media organization Rede Globo to coordinate the Child Hope campaign.

Persons with Disabilities.—The Constitution contains several provisions for persons with disabilities, stipulating a minimum wage, educational opportunities, and access to public buildings and public transportation. However, groups that worked with persons with disabilities reported that state governments failed to meet the legally mandated targets for educational opportunities and work placement. A 1991 law stipulates percentages of vacancies that businesses must reserve for persons with disabilities: 2 percent in firms over 100 employees; 3 percent in firms over 300 employees, and 5 percent in firms over 500 employees. In 2001 in Rio de Janeiro State, the Ministry of Labor began on-site inspections of firms to encourage compliance with the law; similarly, a Federal District information campaign to encourage compliance continued. The Rio de Janeiro State government's employment bank for persons with physical, auditory, or visual disabilities continued to place job applicants. At least two NGOs in Rio de Janeiro State offered job placement services for persons with disabilities, and demand for their services expanded during the year as businesses sought to comply with the employment law.

There was little progress nationwide on eliminating architectural barriers. A December 2001 city of Rio de Janeiro law requires multifamily condominiums to make alterations ensuring access to handicapped residents. In the city of Rio de Janeiro, the disabled had little or no access to buses (the main public transportation), subway, phone booths, and many other public facilities. In 1999 Rio de Janeiro mandated bus companies to make a specific number of buses on certain routes accessible to wheelchair users within 3 months; however, there were reportedly no buses in the city adapted for wheelchairs. In the city of Rio de Janeiro, bus companies were required to provide free passes to persons with disabilities. The Rio de Janeiro State government also created interagency committees to consult with NGOs on how to provide more access for persons with disabilities to buildings, employment opportunities, and competitive sports. During the year, a state housing program delivered 86 new houses equipped for handicapped residents, implementing a policy that 10 percent of publicly provided homes shall be so equipped. To assist visually impaired persons, some private firms have implemented Braille instructions for shopping and placing orders.

The country made significant advances in expanding the availability of special instruction for children with disabilities. In 1997 only 43 percent of school districts offered special education programs, compared with 59 percent in 1999. The availability of such programs varied greatly by region: In the northeast, only 37 percent of school districts had such programs, while they were available in 81 percent of school districts in the southernmost three states.

There were over 7,300 instances of persons being committed to mental institutions during the year. There were no statistics available on the total number of patients in mental institutions. Some nonviolent patients spent their entire lives in institutions. The Government paid hospitals about $12 (28 reais) per day for each patient. A 2000 Chamber of Deputies' Human Rights Commission report of conditions of mental hospitals and asylums cited many examples of understaffed and poorly administered hospitals, substandard living conditions for many patients, and severely overcrowded and dirty facilities. A 2001 patients' bill of rights law establishes clear criteria for commitment into mental institutions and gives the Public Minister (an independent watchdog agency) an opportunity to review each case of involuntary or compulsory commitment.

Indigenous Persons.—The Constitution grants the indigenous population broad rights, including the protection of their cultural patrimony and the exclusive use of their traditional lands; however, the Government did not secure these rights for indigenous people in practice. The Government estimated that over half lived in poverty in communities whose traditional ways of life were threatened on a variety of fronts.

A March 2001 study by the Social Economic Institute found that the indigenous population grew by 3.5 percent in 2000, to a total of approximately 350,000 persons, spread among 216 "nations." The report noted many problems faced by indigenous people, including disease and poor health care, loss of native culture, and recurring trespasses and illegal mining and extraction activities on indigenous lands. Road construction and deforestation were also threats.

Indigenous leaders and activists complained that indigenous people had only limited participation in decisions taken by the Government affecting their land, cultures, traditions, and allocation of national resources. They also criticized the Government for devoting insufficient resources to health care, other basic services, and protection of indigenous reserves from outsiders. Illegal mining, logging, and ranching were endemic on indigenous land.

The National Indian Foundation was responsible for the coordination and implementation of indigenous policies. The President appoints the head of FUNAI; it was organized into 52 regions with directors appointed directly by the FUNAI president.

The 1988 Constitution charged the Federal government with demarcating indigenous areas within 5 years. Reportedly, the Government had completed demarcation of almost all of the total area of recognized indigenous territory. At least 400 of the 600 recognized indigenous areas had reached the final registration stage, 136 remained to be demarcated legally, and 64 had yet to be processed. Identified indigenous territory constituted 12 percent of the national territory.

The Constitution provides indigenous peoples with the exclusive beneficial use of the soil, waters, and minerals on indigenous lands; the Government administers the lands but was obliged to consider the views of the affected communities regarding development or use of the land, and the communities had the right to "participate" in the benefits gained from such use. However, legislation regulating mining on indigenous lands pending before the Congress since 1995 has never been passed.

Many indigenous lands were exploited illegally by nonindigenous persons for mining, logging, and agriculture. Nonindigenous persons destroyed the environment and wildlife, spread disease and provoked violent confrontations. FUNAI acknowledged that it did not have the resources to protect indigenous lands from encroachment and depended on the federal police—an understaffed and poorly equipped agency—for law enforcement on indigenous lands.

The Ministry of Public Health was responsible for delivery of mandated health care to indigenous people. According to health workers' unions, poor working conditions and lack of resources from the Government made it difficult for health workers to travel into indigenous areas to provide sufficient medical care. Due partly to the Government's failure to provide legally mandated medical care, indigenous people periodically suffered epidemics of malaria, measles, and tuberculosis; however, there were significant advances in indigenous health since 1999. For example, the incidence of registered cases of malaria among the Yanomami fell from 8.3 percent in January 2000 to 0.3 percent in September 2001, while infant mortality dropped significantly, although it was still higher than in the general population.

Human rights groups and the Human Rights Commission of the Chamber of Deputies criticized the alleged sexual abuse of members of indigenous groups by soldiers in army units stationed in Roraima State. The Minister of Defense denied the allegations, stating that any sexual relations that took place were consensual in nature and usually involved soldiers of indigenous origin.

National/Racial/Ethnic Minorities.—Although the law prohibits racial discrimination, darker-skinned citizens frequently encountered discrimination.

The U.N. Special Rapporteur on Torture noted that the majority of the victims of torture were of Afro-Brazilian descent (*see* Section 1.c.). Research by the Institute of Applied Economic Research (IPEA) noted a disproportionately high rate of police killings of Afro-Brazilians. Persons of color were five times more likely to be shot or killed in the course of a law enforcement action than were persons perceived to be white. The Sao Paulo police ombudsman claimed that the majority of victims in police killings were young black men from impoverished areas on the periphery of major cities.

The law specifically prohibits, among other practices, denial of public or private facilities, employment, or housing to anyone based on race. The law also prohibits, and provides jail terms for the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets. The media reported arrests of several persons charged with using racial slurs during the year.

A federal government quota system that went into effect in June required that at least 20 percent of new hires be Afro-Brazilian, 20 percent women, and 5 percent persons with disabilities. There were exceptions; for example, the Ministry of Foreign Affairs will not automatically hire 20 percent Afro-Brazilians, but instead will offer scholarships to 20 Afro-Brazilians to help them prepare for the diplomatic exam.

In its first 22 months of operation (through October), a hot line created by Rio de Janeiro State received slightly more than 800 accusations of racist offenses, of which 104 were referred to the criminal justice system and 48 were being actively investigated or prosecuted.

A study of 22 states, done at Sao Paulo's Pontifical Catholic University, showed that between 1995 and 2000, the authorities received 1,050 discrimination complaints, of which 651 were investigated and 394 were brought to trial; however, there were no convictions. The study noted that this record reflected the difficulty of proving acts of racism and demonstrated a lack of knowledge of the existing antiracism statutes on the part of lawmakers, public attorneys, judges, and lawyers.

IPEA reported that citizens of African descent—constituting approximately 45 percent of the population—represented 60 percent of the poorest segment of society and received 7 percent of the national income. Studies also showed that rates of police torture, court convictions, child labor, illiteracy, and infant mortality were higher among citizens of African descent than among whites (*see* Section 1.c.).

Education played a role in perpetuating racial disparities. The difference in average number of years of education between a black person and white person had not changed in 40 years. Approximately 60 percent of Afro-Brazilians in the lowest social class had less than 3 years of education, compared with 37 percent of whites. A 1999 IPEA study found that the illiteracy rate among Afro-Brazilians was 20 percent, compared with 8 percent for whites and the national average of 13 percent. Afro-Brazilians were not admitted to universities in large numbers, in part due to economic pressures and the low quality of public education. Only 5 percent of university students and 2.2 percent of university graduates were Afro-Brazilian.

Some educational institutions and official entities instituted programs to narrow the educational gap between blacks and whites. The Steve Biko Institute in the city of Salvador provided extra classes to help 200 Afro-Brazilian students gain admission to universities in Bahia State; about 180 students were enrolled in the classes paying tuition of approximately $35 dollars (80 reais) per month. At least three nongovernmental projects helped Afro-Brazilians pass university entrance exams in Rio de Janeiro.

In February the Governor of the Federal District, Joaquim Roriz, was accused of being a racist after comments made during a speech in the city of Brazlandia. Angered by Worker's Party protesters, Roriz asked the audience to boo Marinaldo Nascimento, whom he slurred with a racial epithet.

Concern continued over the appearance of racist material on the Internet. In June the Sao Paulo State legislature and various NGOs requested that the Attorney General investigate who was responsible for disseminating neo-Nazi, racist, and discriminatory content on five Internet sites and submitted a 100-page document, providing examples of language inciting attacks on people of color and Jews in Sao Paulo, Rio de Janeiro, and Belem (Para), as well as a threat to set fire to the City Hall in Caxias do Sul (Rio Grande do Sul). The document cited texts exhorting the "preservation of the pure race" by means of violent attacks. The Attorney General's investigation continued at year's end.

There was no further information regarding investigations into the threats two members of the Sao Paulo State assembly's Human Rights Committee reportedly received in 2000 from a group identifying itself as "raca pura" (pure race).

Afro-Brazilian women were particularly disadvantaged by discrimination. An IPEA researcher found that women of African descent suffered discrimination in the work place: Nationwide, white men had an average monthly salary of about $269 (726 reais), white women $212 (573 reais), Afro-Brazilian men $125 (337 reais), and Afro-Brazilian women $107 (289 reais). The study also found that white men had an unemployment rate of 7.3 percent, black men 11 percent, white women 12.5 percent, and black women 16.5 percent.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide for union representation of all workers (except members of the military, the uniformed police, and firemen) but imposes a hierarchical, unitary system funded by a mandatory union tax on workers and employers. New unions must register with the Ministry of Labor and Employment, which accepts the registration if no objections are filed by other unions. Registration may be contested by other unions that represent workers in the same geographical area and professional category. In the case of such an objection, the MLE's Secretariat for Labor Relations has 15 days to consider the validity of the objection. If the objection is found to be valid, the MLE does not register the union and union organizers may challenge this decision in the labor courts.

The 1988 Constitution stipulates certain restrictions, such as "unicidade" ("one-per-city"), which limits freedom of association by prohibiting multiple, competing unions of the same professional category in a given geographical area. Most elements of the labor movement, as well as the International Confederation of Free Trade Unions (ICFTU), criticized the retention of unicidade.

In practice a number of competing unions were allowed to exist among the thousands of local unions; however, the MLE and the courts actively enforced the principle of unicidade in decisions regarding the registration of new unions.

Approximately 16 percent of the work force was unionized, but nearly twice this percentage was charged a mandatory union tax and also was covered by collective bargaining agreements (*see* Section 6.b.). Most informal sector workers, including self-employed workers and those not formally registered with the Labor Ministry,

fell outside the official union structure. As a result, they did not enjoy union representation and were usually unable to exercise fully their labor rights. The informal sector grew rapidly over the previous decade and accounted for approximately half of the labor force. In the agricultural sector, 70 percent of workers were unregistered.

The Ministry of Labor estimated that there were approximately 11,000 unions across the country. Local unions legally may affiliate with state federations and national confederations in their professional category. Although the law makes no provision for central labor organizations that include multiple categories of workers, there were four major centrals: The Workers' Unitary Central (CUT), the Forca Sindical (Union Force or FS), the Workers' General Confederation (CGT), and the Social Democratic Union (SDS). Labor centrals channeled much of the political activity of the labor movement, organized strikes involving multiple categories, and represented workers in governmental and tripartite councils. Centrals did not have legal standing to represent professional categories of workers in collective bargaining.

The Constitution prohibits government interference in labor unions. Unions and their leadership generally were independent of the Government and of the political parties; however, there were some exceptions. A number of labor leaders also held prominent positions in political parties. Labor organizations often formed alliances with political parties and social movements to advocate for specific issues. For example, the CUT joined with the National Conference of Bishops, the Landless Movement, and a variety of NGOs to conduct a national plebiscite on debt repayment in 2000 and to organize the World Social Forum in Porto Alegre in January 2001. The same forces organized a national "plebiscite" on participation in the Free Trade Agreement of the Americas during the year. The major union centrals had close relationships with left-of-center political parties and often coordinated actions with party leaders. The October elections demonstrated the closeness of these ties: FS leader Paulo Pereira da Silva (Paulinho) served as vice presidential candidate for Ciro Gomes, and CUT Metalworkers' president Roberto Marinho ran for Deputy Governor of Sao Paulo alongside Workers Party candidate Jose Genoino.

There were no further developments in the police investigation into the November 2001 murder of Aldamir Carlos dos Santos, the president of Sintergia, the electrical workers' union in Rio de Janeiro.

Intimidation and killings of rural labor union organizers and their agents continued to be a problem. The CPT reported that labor leaders were victimized by a campaign of violence in rural areas, with the perpetrators enjoying relative impunity (*see* Section 1.a.). Only 85 of the 1,222 killings of rural labor leaders and land reform activists registered by the CPT since 1985 came to trial, and only 8 persons were convicted. The CPT reported that 18 rural labor leaders were murdered through the first 8 months of the year.

In July labor activist Jose Pinheiro Lima and his wife and son were killed near Maraba, Para. The authorities charged a landowner with ordering the deaths but released him from custody.

Para continued to be the state with the most violence directed toward labor leaders. According to leaders of the National Confederation of Agricultural Workers, there was an organized campaign in Para State to kill rural labor leaders. Catholic Church sources reported that eight activists were killed in Para State in 2001, and through August there were six more killings, including those of MST leader Ivo Lindo do Carmo and union official Bartolomeu Morais de Silva. CPT leaders in Para State claimed that gunmen hired by estate owners committed most of these murders. They noted that those who hire gunmen had become more adept at hiding their participation and increasingly targeted labor leaders with significant experience in organizing and leading land appropriations.

In May a local judge in Rio Maria, Para, ordered that a trial of two men (including the former mayor) charged with the 1985 murder of Joao Canuto, the first president of the local rural workers' union, should proceed; the trial had not started by year's end. Canuto's daughter, Luzia Canuto, received death threats as a result of the case.

Human rights groups and land reform activists criticized a jury verdict in June in Paraiba absolving a landowner of guilt in the 1983 slaying of rural labor leader Margarida Maria Alves. The case was also the subject of an action in the Inter-American Court of Human Rights.

The Constitution prohibits the dismissal of employees who are candidates for or holders of union leadership positions. However, the authorities did not effectively enforce laws that protect union members from discrimination. Those who were dismissed often must resort to a lengthy court process for relief. Labor courts charged with resolving these and other disputes involving unfair dismissal, working condi-

tions, salary disputes, and other grievances were slow and cumbersome. It was estimated that more than 3 million complaints languished in the labor court system at year's end. Although most complaints were resolved in the first hearing, the appeals process introduced many delays, and some cases remained unresolved for 5 to 10 years. According to the Supreme Labor Court, over 2 million complaints were registered annually in labor courts.

The Government sought to reduce this backlog and increase the efficiency of the courts. A 2000 law permits cases with relatively low monetary claims to be adjudicated in one meeting with a judge within 30 days of the filing; another law promotes the formation of employee/employer conciliation commissions designed to resolve grievances before they reach the labor courts. Approximately 1,400 such commissions operated, and approximately half of the complaints reaching labor courts could be handled with the expedited procedure. Nonetheless, lengthy delays remained frequent.

Unions and centrals freely affiliated with international trade union organizations; the CUT, FS, and CGT were affiliated with the ICFTU.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right of workers to organize and to engage in collective bargaining. Businesses and unions worked to improve collective bargaining by training negotiators, but many local representatives had not received this training and remained unprepared to represent members effectively in negotiations. The labor justice system, which may set wages and working conditions when negotiations break down and either party appeals to labor courts, continued to weaken collective bargaining. Although such appeals occurred less frequently than a decade ago, the possibility of a better result in labor courts still led to a lack of bargaining in good faith by parties in numerous negotiations.

Collective bargaining was widespread in the formal sector. In the first 10 months of the year, 17,741 agreements were registered with the Ministry of Labor, compared with 21,963 agreements in all of 2001. The law obliges unions to negotiate on behalf of all registered workers in the professional category and geographical area they represent, regardless of whether an employee pays voluntary membership dues to the union. Unions typically negotiated with employer associations (also called unions) that represent companies with employees in the same area and occupational category.

A 1995 regulation that ended inflation indexing of wages also allowed for mediation of wage settlements with consent of the parties involved and provided greater latitude for collective bargaining. Free mediation services were provided by the Ministry of Labor and the federal Labor Prosecutor's Office (MPT), and unions and employers also may choose a private mediator from a registry kept by the Labor Ministry. According to the MLE, in the first 10 months of the year, more than 8,000 collective bargaining agreements used mediation services, compared with over 10,000 in all of 2001.

The Constitution provides workers with the right to strike, except for the military, police, and firemen. The law stipulates that a strike may be ruled "abusive" by labor courts and be punishable by law if a number of conditions are not met, such as maintaining essential services during a strike and notifying employers at least 48 hours before the beginning of a walkout. Failure to end a strike after a labor court decision is punishable by law. The Government generally did not interfere with the right to strike, provided that all laws were obeyed. Employers are prohibited from hiring substitute workers during a legal strike and from firing workers for strike-related activity provided that the strike is not ruled abusive. However, in practice, employers did fire strike organizers for reasons ostensibly unrelated to strikes, and legal recourse related to retaliatory discharge was often a protracted process.

The number of strikes diminished in the past several years. During the year, teachers, health workers, port officials, transport workers, stevedores, health-care providers, and metalworkers all engaged in strikes.

The Congress has not passed enabling legislation for labor code provisions permitting strikes in the public sector; however, in practice the Government seldom interfered with the right of government workers to strike. Numerous public sector unions at the federal, state, and local levels held strikes during the year to demand salary increases. According to the Interunion Department of Socioeconomic Studies and Statistics (DIEESE), the Federal government had not given a general salary increase to federal employees in 7 years, resulting in a significant erosion of real earnings. Public sector unions who struck during the year included social security workers, professors, judicial workers, and customs agents.

In 2001 civil and uniformed police walked out in many states to demand salary increases and safer working conditions. While civil police are allowed to form unions and conduct strikes, uniformed police are prohibited from organizing.

Labor law applies equally in the country's four free trade zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, forced labor and trafficking of workers were reported in the majority of states (*see* Section 6.f.). The practice occurred most commonly in the rural north and central west of the country, in activities such as forest clearing, logging, charcoal production, raising of livestock, and agriculture. Forced labor typically involved young men drawn from the impoverished northeast, but women and children also were engaged in activities such as charcoal production. Children involved in forced labor typically worked alongside their parents. Although indigenous people constituted a small percentage of the overall population, they were especially vulnerable to forced labor schemes when separated from their communities (*see* Section 5). Labor inspectors also found immigrants working in conditions of forced labor in Sao Paulo. According to government officials, Bolivian, Korean, and Chinese laborers were exploited in urban sweatshops under conditions that may involve fraud or coercion.

The CPT estimated that approximately 15,000 workers were trapped in forced labor schemes throughout the country, although it acknowledged that the hidden nature of the practice made estimates inexact. Labor intermediaries ("gatos") trafficked most forced laborers to the remote estates where they worked (*see* Section 6.f.). At the worksite, laborers were forced to work in brutal conditions until they repaid inflated debts related to the costs of travel, tools, clothing, or food. Armed guards sometimes were used to retain laborers, but the remoteness of the location, confiscation of documents, and threats of legal action or physical harm usually were sufficient to prevent laborers from fleeing. The CPT reported that fleeing workers were killed or beaten to set an example to others at the worksite. Dire poverty, low levels of education, and workers' lack of awareness about their rights contributed to their vulnerability to forced labor schemes. The MLE reported that nearly 80 percent of forced laborers had no official documentation and that most were illiterate.

The Penal Code provides that violators of forced or compulsory labor laws may be sentenced up to 8 years in prison. The law also provides penalties for various crimes related to forced labor, such as recruiting, transporting, or obliging workers to incur debt as part of a forced labor scheme (*see* Section 6.f.). However, the ILO expressed concern that the effective abolition of forced labor was hindered by failure to impose effective penalties, the impunity of those responsible, delays in judicial procedure, and the absence of coordination between the various government bodies. The law allows the Government to expropriate lands on which forced labor has been found and to distribute the property in the Government's land reform program; however, these provisions rarely were applied, in part because the Government must compensate landowners for seized lands, sometimes at values that were criticized for being overly generous. Enabling legislation for the constitutional provision allowing confiscation of land on which forced labor is discovered remained under consideration.

Violators of forced labor laws enjoyed virtual impunity. There were only 26 arrests and 3 convictions in the nearly 5,000 instances of forced labor uncovered by inspection teams since 1995. Those convicted were freed on appeal or sentenced to do community service. Factors contributing to this record included: Disputes over legal jurisdiction; a lack of a clear definition of forced labor in the Penal Code; local political pressure; weak coordination among the police, the judiciary, and prosecutors; the remoteness of areas in which forced labor is practiced; witnesses' fear of retaliation; and police failure to conduct criminal investigations when accompanying labor inspectors on raids. The ILO, ICFTU, Anti-Slavery International, and the Pastoral Land Commission found that the current system did not effectively penalize those who exact forced labor. A complaint has been lodged with the OAS against the Government for negligence in investigating forced labor in the Brazil Verde estate. A number of ranchowners and employers, although cited repeatedly for using forced labor schemes, received only token sentences.

However, there were exceptions to the impunity: In November a labor court judge in Para fined a plantation owner approximately $18,000 (60,000 reais) for using forced labor. It was the first time that a farmer had been fined on the basis of the damage he caused to the workers. The president of the Supreme Labor Court, Francisco Fausto, praised the decision of the Regional Labor Court, noting that forced labor would be ended only by the application of such sanctions.

The Executive Group to Combat Forced Labor (GERTRAF) coordinated the Government's efforts to eliminate forced labor since 1995. GERTRAF is chaired by the Ministry of Labor and Employment, and it includes representatives from seven ministries, unions, employers, and NGOs. In December 2001, the President appointed a special advisor on forced labor issues, and the Secretariat for Human Rights of the Justice Ministry created a parallel commission to develop recommendations to

improve the enforcement of laws on forced labor and child labor. During the year, the MPT and the Brazilian Bar Association established forced labor commissions. Prosecution of forced labor cases is the responsibility of the Federal Prosecutor's Office, but the MPT also may become involved in investigating such cases (*see* Section 6.f.).

GERTRAF's enforcement arm—the Special Group for Mobile Inspection—had responsibility for locating and liberating workers trapped in forced labor. The mobile unit worked in conjunction with federal police officers, who accompanied labor inspectors on raids to provide protection. When mobile teams found workers in conditions of forced labor, they levied fines on estate owners and required employers to provide back pay and benefits to workers before returning the workers to their municipalities of origin. In October labor inspectors in the mobile unit received death threats while conducting raids in Para State.

Through August the mobile group had located approximately 1,600 forced laborers, exceeding the number of liberated workers for any previous full year of operation. Forced laborers were found during the year in activities including deforestation, logging, mining, raising livestock, and harvesting sugarcane, coffee, cotton, papayas, pepper, and soybeans. In March the mobile unit found 53 workers toiling in conditions of forced labor on a ranch owned by a leading member of the federal Chamber of Deputies. Although the Labor Minister issued a statement exonerating the politician, subsequent testimony revealed the use of debt servitude on the ranch. The MPT forwarded the case to the Attorney General and also filed a civil suit against the politician for damages equaling about $5,800 (20,000 reais) per worker. In another major raid in October, the mobile unit liberated 180 workers, including 30 children, working on a black pepper ranch in Para State.

Despite its efforts, the mobile unit had only a limited impact on the incidence of forced labor. The CPT, whose network of local churches was responsible for the vast majority of forced labor complaints reaching the mobile unit, reported that forced labor may actually be growing. The CPT noted that the number of raids by the mobile unit remained relatively constant in the past 3 years, while the number of liberated workers had grown significantly, revealing an increase in the number of forced laborers per ranch. In Para State, where most forced labor was found, the CPT received complaints of approximately 3,200 cases of forced labor on 80 ranches through September, nearly three times the total for all of 2001. The mobile unit reportedly was unable to keep up with the increase in forced labor complaints due to insufficient resources and the cost and time required to mount an operation. The mobile unit encountered resistance from local authorities, including from the local bureaus of the Labor Ministry, in a number of states.

Poverty and a lack of viable alternatives led many workers repeatedly to fall prey to trafficking and forced labor schemes. In October the Government moved to end this cycle by instituting a measure that allows workers freed from forced labor schemes to receive three installments of unemployment insurance equal to the minimum wage—approximately $57 (200 reais) per month—and to be eligible for job training. To educate rural workers about the dangers of forced labor, the CPT ran an informational campaign in which it distributed pamphlets to rural workers in areas targeted by traffickers (*see* Section 6.f). In some states, local unions registered and tracked workers who left the municipality to work on remote ranches. The National Confederation of Agricultural Workers' radio programs also educated rural workers about forced labor.

In March the ILO officially established a program to support governmental efforts to fight forced labor through improved interagency cooperation, strengthened enforcement, heightened public awareness, training for relevant government agencies, and the provision of additional resources to the Government. The ILO program had already contributed to increased discussion of forced labor through a number of seminars and workshops.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law restricts work that may be performed by children; however, child labor was a widespread problem despite government efforts to combat it. The minimum working age is 16 years of age, and apprenticeships may begin at 14. The law bars all minors under age 18 from work that constitutes a physical strain or from employment in nocturnal, unhealthy, dangerous, or morally harmful conditions. However, the authorities rarely enforced additional legal restrictions intended to protect working minors under age 18.

The law requires permission of the parents for minors to work as apprentices, and apprentices must attend school through the primary grades. Because the legal working age is 16, the Government sought to increase the number of apprenticeships to provide more opportunities to 14- and 15-year-olds. A 2000 law expands apprenticeship programs by allowing a wider range of enterprises to participate.

According to government figures, the number of working children age 14 and under decreased from 2.97 million in 1999 to 2.23 million in 2001. The largest decline was in the 10- to 14-year-old age group. The percentage of children who worked in the 5 to 14 age group dropped from 9 percent in 1999 to 6.8 percent 2 years later. Approximately half of child laborers received no income, and 90 percent worked in the unregistered informal sector. The highest incidence of child labor was found in the northeast, where half of all child workers were employed. Slightly over half of child laborers worked in rural areas, and two-thirds were boys.

The Labor Ministry reported that children worked in approximately 100 rural and urban activities. Common rural activities included fishing, mining, raising livestock, producing charcoal, and harvesting sugarcane, sisal, tobacco, cotton, citrus fruits, and a variety of other crops. In urban areas, children worked in shoe shining, transportation, construction, restaurants, street peddling, begging, drug trafficking and prostitution (*see* Section 5). The ILO estimated that approximately 500,000 children and adolescents worked as domestic servants and that 20 percent of 10- to 14-year-old girls worked as domestics. Most of these workers received less than half the minimum wage and worked in excess of 40 hours a week.

The hidden and informal nature of child labor made children especially vulnerable to workplace accidents. For instance, children who produced charcoal, sisal, sugarcane, and footwear suffered from dismemberment, gastrointestinal disease, lacerations, blindness, and burns caused by applying pesticides with inadequate protection.

The Ministry of Labor and Employment was responsible for inspecting worksites to enforce child labor laws. These efforts were guided regionally by Special Groups for the Eradication of Child Labor, which gathered data and developed plans for child labor inspection. Still, most inspections of children in the workplace were driven by complaints brought by workers, teachers, unions, NGOs, and the media. Through the first 8 months of the year, approximately 3,250 inspectors conducted over 19,500 inspections that reached workers under 18 years of age. Labor inspectors continued to prioritize inspections in the informal sector to reduce the number of unregistered workers, but they remained unable to enter private homes and farms, where much of the nation's child labor was found. In most cases, inspectors attempted to reach agreements and to have employers desist from labor law violations before levying fines of $115 (400 reais) per violation. As a result, few employers were actually fined for employing children.

Labor Ministry inspectors often worked closely with labor prosecutors from the MPT, who had broader powers and were able to impose larger fines. The MPT—an independent government agency responsible for prosecuting labor infractions—had a national commission to fight child labor. The commission included 50 prosecutors and focused on strategic areas including sexual exploitation, trash-picking, apprenticeships, and work in a family setting. The commission allowed the Ministry of Labor to be more responsive to complaints regarding child labor and to encourage public commitments from officials to address child labor.

The Ministry of Social Security and Assistance coordinated the Government's Program for the Eradication of Child Labor (PETI), which provided cash stipends to low-income families who kept their children in school and out of work. This program was the Government's primary effort to end the worst forms of child labor. Because the public school day lasts only 4 hours, PETI emphasized complementary educational activities for children during nonschool hours as an alternative to working. PETI assisted approximately 800,000 children in all 26 states and the federal capital during the year, focussing on removing children from work activities considered to be among the most hazardous by the Government. Although the program concentrated on rural areas, it had also grown rapidly in urban areas.

To prevent child labor and promote education, the Federal government also continued to expand its Bolsa Escola (School Stipend) program. The program provided mothers of low-income families with stipends of $4 (15 reais) per child between the ages of 6 and 15, up to a total of 3 children per family. To receive the stipend, the child's monthly school attendance rate must be 85 percent. The Ministry of Education coordinated the Bolsa program, but responsibility for day-to-day management fell largely on municipal governments. At year's end, the program provided stipends to the mothers of approximately 9 million children in over 5,000 municipalities. In addition to the federal program, an estimated 100 municipal governments operated stipend programs, including Belem, Campinas, Belo Horizonte, Manaus, Olinda, and Recife.

In order fully to comply with ILO conventions on the minimum age for work and on the eradication of the worst forms of child labor, in September the Minister of Labor created the National Commission to Eradicate Child Labor, which was devel-

oping a comprehensive national child labor plan to strengthen child labor eradication efforts.

Civil society supported the Government's child labor elimination programs. For example, the National Forum for the Prevention and Eradication of Child Labor—with chapters in every state and over 40 institutional members from government and the private sector—promoted debate and broad analysis of national child labor prevention efforts. The Centers for the Defense of Children and Adolescents also were active in many parts of the country and reported violations of children's rights and implemented eradication programs (*see* Section 5).

The private sector and unions also played a major role in fighting child labor. The Toy Industry's ABRINQ Foundation for Children's Rights operated a labeling program that identified companies with child-friendly policies and a commitment to eliminate child labor. The Foundation also fostered prochild initiatives through its awards programs for organizations, journalists, and mayors. The Pro-Child Institute in Sao Paulo State coordinated a labeling program in the footwear industry. The Institute helped to reduce instances of child labor in footwear production in the state. All major labor centrals implemented programs to educate union members about the hazards of child labor and encouraged members to report instances of child labor to authorities.

The ILO's Program on the Elimination of Child Labor focused on capacity building, awareness raising, research promotion, and the incorporation of income generating schemes and monitoring systems in child labor prevention programs. The ILO also coordinated a program to reduce sexual exploitation of children and child labor in domestic service (*see* Section 5). UNICEF supported over 200 programs to improve the lives of children and since 1999 has helped to remove over 13,000 children from work in garbage dumps and place them in schools, in part by providing scholarships to families and helping adults in those families find other forms of income generation.

e. Acceptable Conditions of Work.—The Government adjusts the minimum wage annually; in April it was raised from $51 to $57 (from 180 to 200 reais), which was not sufficient to provide a decent standard of living for a worker and family. A 2000 study by the DIEESE concluded that the minimum wage was about one-fifth of the salary necessary to support a family of four in the Sao Paulo metropolitan area. The IBGE estimated that approximately one in three workers earned the minimum wage or less.

The Constitution limits the workweek to 44 hours and specifies a weekly rest period of 24 consecutive hours, preferably on Sundays. The law also includes a prohibition on excessive overtime and stipulates that hours worked above the weekly limit must be compensated at a rate equal to time and a half; these provisions generally were enforced in the formal sector. The law allows employers to compensate workers with time off rather than with overtime pay, provided that the local union agrees to the arrangement.

Unsafe working conditions were prevalent throughout the country. While workplace accidents dropped by 6 percent in 2001, there were still nearly 340,000 such accidents. The number of workplace deaths due to accidents dropped by more than one-third, to slightly over 2,500. The Ministry of Labor sets occupational, health, and safety standards, which are consistent with internationally recognized norms. However, the Ministry devoted insufficient resources for adequate inspection and enforcement of these standards. Employees or their unions may file claims related to worker safety with regional labor courts, although in practice this was frequently a protracted process. According to the Ministry of Labor, the most dangerous industries in the country were logging, mining (including oil drilling), construction, and oil refining.

The law requires employers to establish internal committees for accident prevention in workplaces. It also protects employee members of these committees from being fired for their committee activities. However, such firings did occur, and legal recourse usually requires years before resolution. The MPT reported during the year that numerous firms used computerized records to compile "black lists" identifying workers who had filed claims in labor courts. Individual workers did not have the legal right to remove themselves from the workplace when faced with hazardous working conditions; however, workers could express such concerns to an internal committee for an immediate investigation.

f. Trafficking in Persons.—The law prohibits the transport of persons for illicit reasons within and outside the country; however, trafficking in persons primarily from and within the country was a problem. Internal trafficking of rural workers into forced labor schemes was a serious problem, while trafficking from rural to urban areas occurred to lesser extent (*see* Section 6.c.). Although comprehensive gov-

ernment statistics on the problem were unavailable, authorities estimated that thousands of women and adolescents were trafficked, both domestically and internationally, for commercial sexual exploitation. Labor inspectors also found a small number of persons from other countries trafficked to work in urban sweatshops.

The NGO CECRIA's June report on trafficking in persons for commercial sexual exploitation—drawing on police, media, and other sources—identified over 130 sex trafficking routes, including 109 domestic routes (*see* Section 5). Domestic routes included: From Goias State to Sao Paulo and Rio de Janeiro; from rural areas in the north and northeast to coastal cities for sexual tourism; and from small towns in the north to outposts in the Amazon region where itinerant workers often transit. CECRIA's report also identified trafficking routes of children for sexual exploitation from the southern region of the country into Argentina and Paraguay. The survey also called attention to sex trafficking to areas with major development projects. Internationally, Spain was the destination of most identified routes (32), followed by the Netherlands (11), Venezuela (10), Italy (9), Portugal (8), and Paraguay (7). The report indicated that many sex trafficking routes were closely related to arms and drug trafficking routes.

CECRIA found that the typical sex trafficking victims were darker-skinned women between 15 and 27 years of age, but researchers also noted the presence of adolescent boys as victims, some of whom worked as transvestites. Persons who fell prey to trafficking schemes typically came from low-income families and usually had not finished high school. Traffickers often lured victims with promises of lucrative work as dancers or models in Europe; beauty contest winners were cited as common targets. Girls were recruited at clubs and modeling agencies, or through the Internet, want ads, mail-order bride schemes, and maid and au pair services. Most women who were trafficked internationally were older than 18, but younger victims were also trafficked with falsified documents.

Police officials believed that most women who were recruited by trafficking organizations understood that they were to work as prostitutes, but they did not know about working conditions and their prospective earnings. In other cases, women were told that they would work as nannies or domestic workers. Upon arrival, the victims' passports were often confiscated and they were forced to prostitute themselves and live in virtual confinement. In addition to threatening physical violence, traffickers often used debt and isolation to control the victims.

In addition to sex trafficking, the other major type of trafficking was the internal trafficking of workers into forced labor schemes. This typically occurred when employers recruited laborers from poor, rural towns and transported them to remote areas where escape was difficult. Workers were then obliged to toil in brutal conditions until they were able to repay inflated debts (*see* Section 6.c.). Union leaders claimed that nearly all of the 15,000 people estimated to be working as forced laborers had been trafficked by labor recruiters. The ILO cooperated with the Government, unions, and the CPT to construct a data base for use in recording and combating trafficking.

The Penal Code establishes a prison sentence of 3 to 8 years for transporting women in or out of the country for the purposes of prostitution, but it does not directly address the substantial internal trafficking of women. The Statute on Children and Adolescents provides some regulations on the matter by requiring the permission or presence of both parents for children to leave the country; it also prohibits children from leaving the country with a foreigner unless previous approval is given by the authorities. Still, local activists claimed that laws on trafficking for exploitation were open to interpretation and difficult to enforce, especially in relation to domestic trafficking. They called for comprehensive legislation to aid in prosecution of traffickers.

Laws regarding trafficking for forced labor present similar shortcomings, and activists advocated legislation to define more clearly modern forms of slave labor, such as the use of fraud and debt servitude. A 1998 Penal Code Amendment provides that traffickers may receive a fine and prison sentences of 1 to 3 years, which may be increased if the victim is under 18, a senior citizen, pregnant, a person with disabilities, or a member of an indigenous group. Nevertheless, disputes regarding legal jurisdiction contributed to the Government's failure to prosecute labor traffickers effectively.

Laws on forced labor and domestic trafficking were not enforced effectively. Although labor inspectors had identified 5,000 instances of forced labor since 1995—nearly all of which involved traffickers—only 3 people had been convicted for related crimes (*see* Section 6.c.). Factors impeding such arrests included: The mobility of labor contractors, lack of training for police officers, and the potential witnesses' fear of reprisal and inability to remain in the area to testify. In most cases, police officers accompanying mobile inspection teams did not conduct investigations, thus ham-

pering prosecutors' efforts to build strong cases. Federal prosecutors and NGOs also reported that corruption among state police often impeded the apprehension of traffickers. However, in November federal police in Tocantins State arrested 5 men for trafficking 190 rural workers to ranches in Para State.

The Federal Highway Police were responsible for checking documents and monitoring movement along highways and roads. In a limited number of cases, they were involved in apprehending suspected traffickers. Federal and state police monitored the Internet to detect on-line recruitment by sex traffickers, and at least one prosecution for such an offense occurred due to a complaint from an NGO (*see* Section 2.a.).

Police officers reported difficulty in capturing and incarcerating traffickers because of the need to apprehend them in the act of traveling with the victims. In addition, most women who left the country with traffickers did so willingly. Fear of reprisals also kept victims from seeking police intervention or from testifying against traffickers. As a result, few trials involving traffickers resulted in convictions. CECRIA reported that only 10 of the 36 trafficking cases dealt with by federal courts in Rio de Janeiro and Sao Paulo in recent years went to trial, with only 2 convictions.

In June 2001, federal police in Rio de Janeiro uncovered a trafficking scheme responsible for taking men and women to Japan to work as prostitutes. During the investigation, the police found evidence implicating Japanese organized crime in trafficking other men and women to Japan from Rio de Janeiro and Sao Paulo. Interpol cooperated with investigations in the case, but there were no major developments by year's end.

The Government coordinated several antitrafficking programs, including public information campaigns, a Ministry of Justice initiative against sexual exploitation, and the inclusion of trafficking as a priority area in the National Plan to Combat Sexual Exploitation of Children (*see* Section 5). A Ministry of Justice antitrafficking program undertaken in December 2001 in collaboration with UNDCP focused on constructing networks and opening six reference centers to receive trafficking complaints and provide assistance to victims. This program and other government efforts to combat trafficking in persons suffered from a lack of interagency cooperation and a severe shortage of funding (*see* Section 5).

Rio de Janeiro State had centers to provide assistance to female victims of violence, and NGOs helped women who were victims of abuse (*see* Section 5). In October the Government announced an agreement with a foreign donor to strengthen the country's network to combat the sexual exploitation of children.

NGOs played a vital role in efforts to halt trafficking. The Humanitarian Center to Support Women in Salvador, Bahia, sponsored research and coordinated a campaign to educate girls and women about the risks of being trafficked abroad. The Brazilian Multiprofessional Association for the Protection of Children and Adolescents managed a number of programs in Rio de Janeiro aimed at protecting youth from trafficking and domestic and sexual abuse and operated a national hot line on sexual exploitation.

CANADA

Canada is a constitutional monarchy with a federal parliamentary form of government. Citizens periodically choose their representatives in free and fair multiparty elections. Jean Chretien began his third consecutive term as Prime Minister in November 2000; his Liberal Party had a majority of 172 of 301 seats in Parliament. The judiciary is independent.

Elected civilian officials control the federal, provincial, and municipal police forces. The armed forces have no role in domestic law enforcement except in national emergencies. Laws requiring the security forces to respect human rights are observed strictly, and the courts punish violators.

The country has a highly developed, market-based economy and a population of approximately 31.4 million. Laws extensively protect the well-being of workers and provide for workers' freedom of association.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means for dealing with individual instances of abuse; however, there were problems in some areas. Problems include discrimination against women, persons with disabilities, and aboriginal people. There was an increase in the number of reported incidents of anti-Semitic and anti-Muslim harassment. The Government continued to take serious steps to address private acts of violence against women. Trafficking of persons into the country, including trafficking for purposes of prostitution, was a growing problem. Canada was invited by

the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings.

In June 2001, an off-duty Royal Canadian Mounted Police (RCMP) officer shot and killed his former girlfriend and injured three other persons riding in a car with her. The authorities immediately arrested him and charged him with murder and attempted murder. His case was pending at year's end.

The trial of four Toronto policemen charged with manslaughter for the death of a suspect whom they beat while taking him into custody in 2000 is scheduled to begin in September 2003.

The RCMP completed an inquiry into the deaths of four aboriginal men in Saskatoon, Saskatchewan, in 2000. Two of the men were found frozen to death in an isolated area on the outskirts of Saskatoon, and the other two died at or near their homes shortly after being released from police custody. The RCMP found no basis for any criminal charges; local authorities conducted coroner's inquests in October 2001 and in January, which found no evidence of criminal conduct in the freezing deaths. The coroner's jury, however, made a series of recommendations to the RCMP for handling future cases (*see* Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government generally observed these prohibitions in practice; however, there were isolated incidents of police mistreating suspects.

In June 2001, two Saskatoon city police officers were found guilty of the charge of illegal confinement after they left an aboriginal man on the outskirts of the city in subzero temperatures without adequate clothing. The officers were fired and sentenced to 8 months in jail. They were free on bail while they appealed their conviction. Two aboriginal men were found dead in the same area around the same time, but a coroner's inquest did not find evidence of criminal conduct in those deaths. In response to these deaths and the arrest of the Saskatoon city police officers, the province of Saskatchewan formed a 3-year commission to study justice issues of aboriginal people.

The military continued to receive complaints from women serving in the armed forces who charged that they were subject to sexual abuse, harassment, and discrimination. An armed forces grievance board that is independent of the military chain of command began operations in June 2000. In addition, other mechanisms established by the Government to address such complaints, including the Advisory Board on Canadian Forces Gender Integration and Employment Equity and an Ombudsman in the Department of National Defense, continued to operate. As of November 1, the Ombudsman had received seven sexual assault complaints, three sexual harassment complaints, and three gender discrimination complaints.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention, or exile, and the Government generally observed these prohibitions in practice. Bail was generally available.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice. The judiciary provides citizens with a fair and efficient judicial process and enforced the right to a fair trial.

The court system is divided into federal and provincial courts, which handle both civil and criminal matters. The highest federal court is the Supreme Court, which exercises general appellate jurisdiction and advises on constitutional matters.

The judicial system is based on English common law at the federal level as well as in most provinces; in the province of Quebec, it is derived from the Napoleonic Code. Throughout the country, judges are appointed. In criminal trials, the law provides for a presumption of innocence and the right to a public trial, to counsel (which is free for indigents), and to appeal. The prosecution also may appeal in certain limited circumstances.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law generally prohibits such practices, government authorities generally respected these prohibitions in practice, and violations were subject to effective legal sanction.

In December 2001, Parliament passed an antiterrorism bill that expanded police investigative and wiretapping powers. Federal and provincial authorities did not use the provisions of the bill that allow the Government to make preventative arrests of suspected terrorists and to conduct investigative hearings. There were no court challenges to the bill or complaints made to human rights commissions concerning its application.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the Supreme Court has ruled that the Government may limit free speech in the name of goals such as ending discrimination, ensuring social harmony, or promoting gender equality. The Court ruled that the benefits of limiting hate speech and promoting equality are sufficient to outweigh the freedom of speech clause in the Charter of Rights and Freedoms.

Journalists occasionally were banned from reporting some specific details of court cases until the trials were concluded, and these restrictions, adopted to ensure the defendant's right to a fair trial, enjoyed wide popular support. Some restrictions on the media are imposed by provincial-level film censorship, broadcasters' voluntary codes curbing graphic violence, and laws against hate literature and pornography. The Charter of Rights and Freedoms provides for free speech and free press, but both the Criminal Code and human rights legislation have established limits. Inciting hatred (in certain cases) or genocide is a criminal offense. The Supreme Court has set a high threshold for such cases by specifying that these acts must be proven to be willful and public. The Broadcasting Act, which prohibits programming containing any abusive comment that would expose individuals or groups to hatred or contempt, has not yet been challenged in the courts.

The Human Rights Act also prohibits repeated telephone communications that expose a person or group to hatred or contempt. The Canadian Human Rights Tribunal found that the Internet falls under this act. In January the Tribunal ruled that the law prohibited the operation of an anti-Semitic hate-site. In August the Tribunal made a similar finding, ordering an Internet hate-site targeting homosexuals to cease operating.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Charter of Rights and Freedoms provides for these rights, and the Government generally respected them in practice.

c. Freedom of Religion.—The Charter of Rights and Freedoms provides for freedom of religion, and the Government generally respected this right in practice.

Religious groups are not required to register with the Government.

Public funding for Roman Catholic schools—or separate schools—is constitutionally protected in the country's original four provinces, but the policy has been challenged in recent years. In 1999 the U.N. Human Rights Committee found that the province of Ontario had failed to provide equal and effective protection against discrimination. In June 2001, the Ontario provincial legislature passed a graduated tax credit plan for parents of children attending all private schools, removing the historical limitation that provided such credits only in regard to Roman Catholic schools. The plan's 5-year phase-in began during the year.

There were a number of reports of harassment of religious minorities.

The League for Human Rights of B'nai Brith in Canada reported 197 incidents of anti-Semitism in the first 6 months of the year, compared with 286 incidents in all of 2001. Twelve of the reported incidents were violent; 121 were cases of harassment, and 64 were reports of vandalism. In April a synagogue in Saskatchewan and another in Ontario were set on fire. On May 19, a pipe bomb damaged the only Jewish synagogue in Quebec City. Approximately 75 percent of the incidents occurred in Toronto and Montreal, with other cases scattered across the country.

Some fundamentalist Christian groups' child disciplinary practices came under close scrutiny by the Government. In October a former nun and founding member of a religious commune on Prince Edward Island was convicted of assaulting five children by beating them with a wooden rod. In July 2001, Ontario authorities removed seven children from their parents' custody after provincial authorities reported the children showed signs of heavy corporal punishment. The parents belong to the Christian fundamentalist Church of God (affiliated with the Mennonites),

which advocates use of belts and sticks in disciplining children. The children were returned to their parents' custody subject to provincial supervision.

In May 2001, a Muslim chaplain filed suit in federal court against an Ontario provincial judge who ejected him from the courtroom in 1993 for wearing a Muslim cap. The chaplain's initial complaints filed with Canadian Judicial Council, provincial and federal human rights commissions were dismissed because the law gives judges immunity from human rights laws. In November 2001, the federal district court dismissed the case. The federal appeals court heard the chaplain's appeal on October 31 and declined to order the Judicial Council to reopen the chaplain's complaint.

The number of reported incidents of Muslim harassment increased. In a survey on Muslim life post-September 11, 60 percent of the respondents said that they had experienced some form of discrimination because of their religion. The Government strongly and publicly urged the population to refrain from prejudice against Muslims or other persons on the basis of their religious beliefs, ethnic heritage, or cultural differences. Police forces investigated and discouraged anti-Muslim actions.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and extended first asylum. Canada is a resettlement country, and the Government projected that it would approve approximately 29,000 claims for refugee status during the year; as of August, 18,380 such claims had been approved.

In January the Supreme Court ruled that refugees facing torture in their home countries generally cannot be deported there, unless evidence shows that their continued presence poses a serious threat to national security. In June an Iranian suspected of being a trained government assassin was deported to Iran after claiming, but failing to show, that he faced a serious risk of torture upon return. The case of a Sri Lankan suspected of being a fundraiser for the Tamil Tigers who claimed that he would be tortured upon return to Sri Lanka remained pending after being remanded by the Supreme Court back to the Minister of Immigration. During the year, the country signed a "safe third country" agreement on refugees to return aliens previously resident in the United Sates to that country for adjudication of asylum. Human rights and immigrant groups criticized the agreement, which enters into force in 2003.

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

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

In November 2000, the last general election, the Liberal Party won a majority with 172 of 301 seats in the national parliamentary elections. The Canadian Alliance (conservative) won 66 seats, the Bloc Quebecois (separatist) won 38 seats, the New Democratic Party (liberal) won 13 seats, and the Progressive Conservative Party (conservative) won 12 seats. In August Jean Chretien of the Liberal Party announced his intention to step down as Prime Minister in February 2004. New elections will be held sometime between then and November 2005.

The governing party in the province of Quebec continued to maintain that Quebec has the right to withdraw from the Confederation if that decision proves to be the democratically expressed will of the residents of Quebec. The Supreme Court ruled in 1998 that a unilateral declaration of independence would be illegal, but that the Federal government and other provinces would be obligated to negotiate Quebec's separation if a clear majority of Quebecois voted to change their relationship with Canada on the basis of a clearly phrased referendum question. However, after the second defeat of a referendum in 1995, public support for holding another referendum has declined.

There are no laws limiting the participation of women or minorities in political life. In the Parliament, 63 of 301 members in the House of Commons were women, and 4 members were of aboriginal (Inuit, North American Indian, or Metis) origin. Of 105 senators, 31 were women and 6 were of aboriginal origin. Women held 10 seats in the 36-person Cabinet. In 1999 a woman was appointed for the first time as Chief Justice of the Supreme Court. The Governor General is a woman.

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

A wide variety of human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

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

The Charter of Rights and Freedoms provides for equal benefits and protection of the law regardless of race, national or ethnic origin, color, sex, age, or mental or physical disability. These rights generally were respected in practice.

Women.—The law prohibits violence against women, including spousal abuse; however, it remained a problem. The Government's last general social survey, done in 1999, indicated that an estimated 8 percent of women (and 7 percent of men) who were married or living in a common-law relationship during the previous 5-year period experienced some type of violence committed by their partner on at least one occasion. The economic costs of violence against women are estimated to be $2.7 billion (Cdn $4.2 billion). Services available to abused women have increased significantly over the past 2 decades, and there were 508 shelters for abused women across the country in 2000.

A total of 24,419 cases of sexual assault were reported in 2001, an increase of 370 cases from 2000. The courts consider such cases seriously and those convicted of sexual assault face up to 10 years in prison. Cases involving weapons, threats, wounding, or endangerment of life carry longer sentences, up to life imprisonment.

Prostitution is legal, but pimping (benefiting from the earnings of prostitution of another) and operating, being found in, or working in a brothel are not. Communicating in public for the purpose of prostitution (solicitation or "streetwalking") is also illegal, but is considered a lesser offense than the other offenses related to prostitution.

Women were trafficked for purposes of sexual exploitation (*see* Section 6.f.).

The Criminal Code prohibits criminal harassment (stalking) and makes it punishable by imprisonment for up to 5 years. The law prohibits sexual harassment, and the Government generally enforced this provision. Women continued to complain of harassment in the armed forces, and the Government established mechanisms to try to resolve complaints (*see* Section 1.c.).

Women are well represented in the labor force, including business and the professions. Employment equity laws and regulations cover federal employees in all but the security and defense services. Women have marriage and property rights equal to those of men. Women head over 85 percent of single-parent households.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. Education is free through grade 13 and is compulsory nationwide through age 15 or 16, depending on the province. Federal and provincial regulations protect children from abuse, overwork, and discrimination and penalize perpetrators of such offenses.

There is no societal pattern of abuse of children. Past institutional abuses of children (mostly orphans and aboriginal children) in residential homes continued to come to light, and the Government and churches which operated the homes sought to close, through class action settlements, more than 12,000 abuse cases filed by former residents. The Government announced a $1.1 billion (Cdn $1.7 billion) plan for the settlement of physical and sexual abuse claims, and the Anglican and Presbyterian churches agreed to contribute substantial amounts to the settlement fund.

Children were trafficked for purposes of sexual exploitation (*see* Section 6.f.).

Persons with Disabilities.—There is no legal discrimination against persons with disabilities in employment, education, or in the provision of other state services. Nevertheless, the Government continued to receive numerous complaints regarding societal discrimination against persons with disabilities and instituted programs to discourage such discrimination. Persons with disabilities were underrepresented in the work force; they constituted 2.7 percent of the federally regulated private sector work force, while those capable of working total 6.5 percent of the population. The Government instituted programs to help persons with disabilities to join the work force.

The law provides a variety of protections and rights for persons with disabilities and specifically prohibits discrimination against persons with disabilities in employment, education, or in the provision of public services. Sexual exploitation of persons with disabilities in situations of dependency is a criminal offense. The law requires employers and service providers to accommodate special needs of persons with dis-

abilities, unless it constitutes an undue hardship, and mandates access to buildings for persons with disabilities.

Indigenous Persons.—The Constitution recognizes three different groups of aboriginals: Indians (generally called First Nations), Inuit (formerly called Eskimos), and Metis (persons of mixed Indian-European ancestry). Aboriginals make up approximately 2.8 percent of the population. In the country's three territories, aboriginals constitute 20 percent of Yukon, 62 percent of Northwest Territories, and 84 percent of Nunavut. Disputes over land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunting rights, and alleged harassment by police continued to be sources of tension on some reserves. Aboriginal persons remained underrepresented in the work force, overrepresented on welfare rolls and in prison populations, and more susceptible to suicide and poverty than other population groups.

The Charter of Rights and Freedoms specifically protects aboriginal rights, including those established by historical land claims settlements; aboriginal rights also are recognized in the Constitution and by the courts. Historical treaties with aboriginal groups in eastern Canada form the basis for the Federal government's policies there, but some language with uncertain intent resulted in extensive legal challenges to the Government's interpretation of treaty rights. Aboriginal groups in the west that never signed historical treaties continued to claim land and resources, and many continued to seek legal resolution of outstanding issues. As a result, the evolution of the Federal government's policy toward aboriginal rights, particularly land claims, has been linked closely to legal challenges, including 45 Supreme Court decisions.

On February 7, the Government of Quebec settled a long-running dispute with the Cree Nation by signing an agreement that ensured the withdrawal by the Cree of all legal action related to Quebec's past application of the James Bay and Northern Quebec Agreement. The Cree consented to the development of hydro-projects in return for $2.3 billion (Cdn $3.6 billion) over 50 years, autonomy over economic and community development, and more control over how their land is managed. On April 9, Quebec signed an agreement with the 14 Inuit communities in the political entity of Nunavik, Northern Quebec, that provided them with full control of profits generated from resource development including hydropower exploration. On April 24, the Quebec government also announced an agreement-in-principle involving land transfers and resource-sharing, with the West North Shore Innu (Nitassinan). At year's end, the draft agreement had not achieved community consensus.

In 1998 the Government established the Aboriginal Action Plan, a "long-term, broad-based" policy approach to promote the quality of life of aboriginal people and promote self-sufficiency. According to Indian and Northern Affairs Canada, the Government budgeted $4.5 billion (Cdn $7 billion) for aboriginal programs in 2001–02. This money is intended to ensure that aboriginal persons have access to basic services (education, housing, water, sewage, health, and social) comparable to those provided to other citizens through provincial, municipal, and territorial governments.

During fiscal year 2000–01, the Government settled seven specific claims involving five First Nations, for a total expenditure of $75 million (Cdn $116 million). Since the inception of the program in 1992 through March 31, 2001, authorities had settled 227 specific and treaty land entitlement claims amounting to $760 million (Cdn $1.18 billion). However, First Nation leaders claimed that at the current rate of claim settlement, it will take the Government 150 years to settle all outstanding aboriginal claims. The Federal government continued to be involved in self-government negotiations with over 350 First Nations, and several self-government agreements-in-principle (agreed upon by negotiators) and a few final agreements were in advanced stages of negotiations at year's end. Professional development and fiscal accountability projects further supported indigenous self-governance.

In response to court decisions over the past few years, the Government continued working to resolve a variety of issues, including fishing rights in Atlantic Canada. Disputes over aboriginal fishing rights in Atlantic Canada continued after a 1999 Supreme Court ruling on the Marshall case that interpreted centuries-old treaties to allow First Nations to earn a moderate livelihood from natural resources, in compliance with government regulations that promote conservation and protect others who depend on the same resource. The Federal government negotiated interim fishing agreements with all 34 aboriginal communities in Atlantic Canada, and longer term agreements were being negotiated at year's end. Other test cases that involve members of aboriginal groups being tried on charges of illegally harvesting timber on Crown land continued in the court systems in New Brunswick and Nova Scotia.

In 2000 the Federal and British Columbia governments concluded a treaty with the Nisga'a people who live in northwestern British Columbia. The treaty gave the Nisga'a control over 765 square miles of tribal lands, a cash settlement, fishing and

timber-cutting rights, and certain rights of self-government. The treaty ended a range of special tax breaks and other benefits available under previous arrangements. The treaty was ratified by the Nisga'a people in 1998 and by the provincial legislature in 1999. It was debated and passed by Parliament in 1999. Although the British Columbia legislature ratified the treaty, two groups challenged the treaty in court. The court of appeals ruled against a challenge from the Liberal Party that contended that the treaty should have been submitted to a referendum. A case brought by the Gitanyow, an indigenous group located near the Nisga'a, who contend that the treaty awarded more than 85 percent of their traditional tribal lands to the Nisga'a, remained pending in the courts at year's end.

In 1999 representatives of the Governments of Newfoundland and Labrador, the Federal government, and the Labrador Inuit Association initialed a land claims agreement for the Inuit. The plan provides for land, water rights, self-government, and an economic development plan that includes sharing revenues from subsurface developments. The plan has not yet been put into effect, as the parties were still negotiating a final, comprehensive land claims agreement.

National/Racial/Ethnic Minorities.—Support of a referendum on Quebec sovereignty has declined since the narrow defeat of the 1995 referendum.

The 1982 Charter of Rights and Freedoms protects the linguistic and cultural rights of minorities and established English and French as the country's two official languages. Despite the federal policy of bilingualism, English speakers in Quebec and French speakers in other parts of the country generally live and work in the language of the majority. The provinces are free to grant French or English the status of an official language, or not to do so. Only New Brunswick has granted the two languages equal status. The Charter of the French Language in Quebec makes French the official language of the province and requires the use of French in commerce, the workplace, education, and government. Minority language rights are secured by law in Quebec's Charter of the French Language.

The English-speaking minority of Quebec, representing 9 percent of the population of the province and 16 percent of the population of the city of Montreal, continued to protest restrictions placed on English-language use. English speakers also expressed concern over health services and public schooling in their language.

The Charter of the French Language restricts access to publicly funded English education only to those students who did most of their elementary or secondary studies in English in Canada. The law also limits English language education to those students with a brother or a sister who did most of their elementary or secondary studies in English in Canada or in cases in which the father or the mother did most of his or her studies in English in Canada. During the year, the Quebec National Assembly passed an amendment to the Charter of the French Language. This new law further limits access to English language schooling by no longer recognizing 1 year of private English language schooling in Quebec as fulfilling the eligibility criteria for an otherwise ineligible student to attend a publicly funded English school in Quebec.

Provinces other than Quebec often lack adequate French-language schooling and health services, which is of concern to local francophones, although French-language schools and French immersion programs were reported to be thriving in all three prairie provinces.

Section 6. Worker Rights

a. The Right of Association.—Except for members of the armed forces and some police, workers in both the public and private sectors have the right to associate freely. The Labor Code protects these rights for all employees under federal jurisdiction, while provincial legislation protects all other organized workers.

Workers in both the public (except for some police) and the private sectors have the right to organize and bargain collectively. While the law protects collective bargaining, there are limitations, which vary from province to province, for some public sector workers providing essential services.

The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities. There are effective mechanisms for resolving complaints and obtaining redress.

Trade unions are independent of the Government. Of the civilian labor force, approximately 29.5 percent was unionized.

All labor unions have full access to mediation, arbitration, and the judicial system.

Unions are free to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—All workers have the right to strike, except for those in the public sector who provide essential services. The

law prohibits employer retribution against strikers and union leaders, and the Government generally enforced this provision in practice.

Labor action, including strikes, occurred throughout the country during the year. Significant strikes during the year included: A 54-day strike by over 45,000 Ontario Public Service employees, which affected prisons, psychiatric hospitals, highway transport enforcement, government laboratories, probation and parole services, parks and tourist attractions, along with hundreds of government offices across Ontario; and a mid-summer 2-week strike by 25,000 municipal workers (including sanitation workers) that became known as the "garbage strike." The Pope's impending visit to Toronto pushed the provincial government to pass back-to-work legislation which forced workers back on the job and put an end to the strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and it generally did not occur; however, women and children were trafficked for the purpose of sexual exploitation (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor legislation varies from province to province. The Federal government does not employ youths under 17 years of age while school is in session. Most provinces prohibit children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment. These prohibitions were enforced effectively through inspections conducted by the federal and provincial labor ministries.

e. Acceptable Conditions of Work.—Standard work hours vary from province to province, but in all provinces the limit is 40 or 48 per week, with at least 24 hours of rest.

Minimum wage rates are set in each province and territory, and ranged from $3.54 to $5.16 (Cdn $5.50 to Cdn $7.20) per hour. Ontario and Alberta have a minimum wage rate for youths lower than their respective minimums for adult workers. The minimum wage does not provide a decent standard of living for a worker and family. A family whose only employed member earns the minimum wage would be considered below the poverty line.

Federal law provides safety and health standards for employees under federal jurisdiction, while provincial and territorial legislation provides for all other employees. Federal and provincial labor departments monitor and enforce these standards. Federal, provincial, and territorial laws protect the right of workers with "reasonable cause" to refuse dangerous work and to remove themselves from hazardous work conditions.

f. Trafficking in Persons.—The 2001 Immigration Act outlaws trafficking in persons; however, trafficking remained a problem. The Immigration Act establishes criminal penalties of up to life in prison and fines of up to $645,000 (Cdn $1,000,000) for convicted traffickers. The country is a destination and a transit point to the United States for women, children, and men trafficked for purposes of sexual exploitation, labor, and the drug trade. There were no overall estimates as to the extent of the problem. There have been several widely reported cases of smuggling and trafficking, including hundreds of Chinese who arrived illegally by ship in British Columbia in 1999. There were reports that Honduran boys were trafficked to Canada for the purpose of drug trafficking. There were also reports that Mexican, Sri Lankan, and Haitian men and women were trafficked to Canada.

Vancouver and Toronto serve as hubs for organized crime groups that traffic in persons, including trafficking for prostitution. East Asian crime groups targeted Canada, and Vancouver in particular, because of lax immigration laws, benefits available to immigrants, and the proximity to the U.S. border.

Thousands of persons, including at least 15,000 Chinese, entered Canada illegally over the last decade. These persons come primarily from East Asia (especially China and Korea, also Malaysia), Central and South Asia, Eastern Europe, Russia, Latin America (including Mexico, Honduras, and Haiti), and South Africa. Many of these illegal immigrants paid large sums to be smuggled to the country and were indentured to their traffickers upon arrival. Almost all trafficked persons worked at lower than minimum wage and used most of their salaries to pay down their debt at usurious interest rates. The traffickers used violence to ensure that their clients pay and that they do not inform the police. Asian women and girls who were smuggled into Canada often were forced into prostitution. Traffickers used intimidation and violence, as well as the illegal immigrants' inability to speak English, to keep these victims from running away or informing the police.

In March 2001, police arrested 9 persons involved in an international trafficking ring suspected of illegally transporting about 1,200 Korean and Chinese citizens through the country into the United States. Many of those who entered the United

States illegally were women under the age of 20 and were destined to work in a position of debt bondage to restaurants, factories, and brothels.

In November 2001, Vancouver police cracked a prostitution ring, and the authorities deported 11 Malaysian women, at least half of whom said that they had been coerced into prostitution by a man who seized their passports upon arrival in the country.

The Government reconvened an Interdepartmental Working Group on Trafficking in Women. There were no government-sponsored programs to help victims of trafficking; however, the Government funded NGO assistance programs. Victims may apply for permanent residence under the "humanitarian and compassionate" provisions of the Immigration Act. Some victims of trafficking were arrested and deported. In prostitution cases, often the prostitute instead of the customer was arrested. If in the country illegally, the prostitute may face deportation, especially after committing a crime. Local authorities to some degree lacked awareness about the victims of trafficking, which is compounded by the fear many victims have of telling the authorities about the crime committed against them.

CHILE

Chile is a multiparty democracy with a constitution that provides for a strong executive, a bicameral legislature, and a separate judiciary. Approved by referendum in 1980 and amended in 1989, the Constitution was written under the former military government and retains certain institutional limits on popular rule. In January 2000, voters elected Ricardo Lagos of the Socialist Party as president in a free and fair runoff election. He defeated center-right candidate Joaquin Lavin of the Alliance for Chile coalition. All three presidents elected since the country returned to democracy in 1990 have been members of the four-party "Concertacion" coalition. The National Congress consists of 120 deputies and 48 senators; this includes 9 designated senators and 1 former president who is senator-for-life. On July 4, former President Augusto Pinochet resigned his position as senator-for-life. The Concertacion coalition held a 63–57 majority in the lower house. The Senate was divided 24–24 between pro-Lagos legislators and the opposition. The Constitution provides for a judicial system independent of the other branches of government.

The armed forces are constitutionally subordinate to the President through an appointed civilian Minister of Defense but enjoy a large degree of legal autonomy. Most notably the President must have the concurrence of the National Security Council, which consists of military and civilian officials, to remove service chiefs. The Carabineros (the uniformed national police) have primary responsibility for public order, safety, and border security. The civilian Investigations Police are responsible for criminal investigations and immigration control. Both organizations are under operational control of the Ministry of Interior. Some members of the police committed human rights abuses.

In 1999 the export-led free-market economy experienced its first recession after 15 consecutive years of expansion, and the economy has yet to regain its pre-1999 dynamism. The population is estimated at approximately 15.4 million. Economic growth for the year was 1.9 percent with inflation of 2.8 percent. Copper remained the most important export; salmon, forest products, fresh fruit, fishmeal, other minerals, and manufactured goods also were significant sources of foreign exchange. Unemployment averaged 9 percent during the year. The percentage of the population living below the poverty line decreased from 45 percent in 1987 to 20.6 percent in 2001.

The Government generally respected its citizens' human rights; however, problems remained in some areas. The most serious problems continued to be excessive use of force and mistreatment by police forces, and physical abuse in jails and prisons. Prisons often were overcrowded and antiquated. Detainees sometimes were not advised promptly of charges against them nor granted a timely hearing before a judge. Antidefamation laws adversely affected journalists and authors. The authorities occasionally used force against protesters. Discrimination and violence against women and children continued to be problems. Indigenous people remained marginalized. In December 2001, a new labor code was introduced that increased protections for such fundamental worker rights as the right to organize and bargain collectively. Child labor was a problem in the informal economy. Chile was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

During the year, the Government, primarily the judiciary, took significant steps to allow for the investigation of human rights abuses committed during the former military government and to bring those accountable in certain cases to justice. In

January the armed services, religious groups, and human rights leaders provided some information on the manner of death and fate of 200 persons who disappeared while in official custody during the Pinochet regime; however, military authorities were unwilling or unable to provide a full accounting for the fate of many of the 3,000 persons who disappeared or were killed. On July 2, the Supreme Court ruled that former President Pinochet was mentally unfit to stand trial, and ended all legal proceedings against him in the Caravan of Death case. There was no appeal of this decision. Subsequent rulings in other cases indicated that the same criteria would be used to block legal proceedings in all criminal cases brought against the former president.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Other Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

A number of cases from previous years in which the police were accused of extrajudicial killings due to excessive use of force or mistreatment of prisoners while in custody remained under investigation or pending resolution of appeals.

The family of Carlos Antionio Millaman Munos was successful in reopening the investigation into his January 2000 death. The case had been on hold due to failure to prove that a crime had taken place. Millaman had been detained on charges of aggravated robbery. According to the Corporation for the Promotion and Defense of Human Rights of the People (CODEPU), persons who visited him at the headquarters of the Investigative Police in the Santiago suburb of La Florida reported that he was in bad physical condition and feared for his life; he was transferred to the El Salvador hospital where he died later in the day.

In 1999 a court sentenced four police officers to 10 years in prison for the death of Raul Palma Salgado, who died in police custody in 1998 after police allegedly tortured him. After an appeal process, their sentence was reduced by a court martial. In August the Supreme Court restored the original sentence.

In December the investigation into the case of the 1989 murder of leftist leader Jecar Nehgme was delegated to Judge Hugo Dolmestch, who also was responsible for investigating the case known as Operation Albania—the June 1987 killings of 12 Manuel Rodriguez Patriotic Front (FPMR) members—because those responsible for the two crimes are thought to be the same. The investigation continued at year's end.

In 2000 former President Pinochet returned to Chile where he faced charges in numerous human rights cases. The investigation of the most prominent of these cases, known as the Caravan of Death, led to a Supreme Court decision in August 2000 that lifted Pinochet's parliamentary immunity. In January 2001, Judge Juan Guzman indicted him as the intellectual author of 57 homicides and 18 instances of kidnaping; an appeals court later reduced the charges to engaging in a coverup of the crimes. Pinochet was placed under house arrest and subsequently freed on bail. On July 2, the Criminal Chamber of the Supreme Court ruled that Pinochet was mentally unfit to defend himself against charges stemming from the Caravan of Death case; the ruling was based on psychiatric and neurological exams. There was no appeal. Subsequent rulings in other cases indicate that, for the same reasons, no criminal action against Pinochet is likely to occur. Following the court decision, Pinochet resigned his seat in the Senate taking advantage of a law that offers certain privileges to former presidents, including legal immunity.

The August 2000 ruling by the Supreme Court lifting Pinochet's immunity in the Caravan of Death case included an opinion by the majority indicating that the Amnesty Law (covering human rights violations from 1973 to 1978) and the statute of limitations should be applied only after the circumstances of the crime and the guilty party have been identified. Nevertheless, several judges (particularly in courts-martial) continued to close cases under the Amnesty Law without completing an investigation into the circumstances of the crime. On December 3, the Supreme Court reaffirmed its earlier opinion by ordering that a previously closed investigation into the disappearance of Hector Contreras be reopened, and transferred the case from military jurisdiction to a civilian court. The Foundation for Social Help of Christian Churches (FASIC), the CODEPU, and other human rights organizations have several denial-of-justice cases pending before the Inter-American Commission on Human Rights (IACHR) regarding previously closed disappearance and execution cases. Denial-of-justice cases based on application of the Amnesty Law also have been filed with the U.N. Commission on Human Rights (UNCHR).

In April in the case of Operation Albania, Judge Hugo Dolmestch indicted 16 former military and police officers, including retired army General Hugo Salas

Wenzel, as well as 2 civilians. At year's end, the judge had not issued indictments in the related case involving the 1986 deaths of journalist Jose Carrasco and three other persons.

On August 5, the judge investigating the 1982 killing of labor leader Tucapel Jimenez sentenced six persons (including two retired generals) as authors of the crime, two as accomplices and four as involved in the coverup. Only those charged as authors received jail sentences. The others were given parole for varying periods of time. Four of the accused were absolved. The labor union that Jimenez led before his death appealed the verdict and sought harsher sentences.

In June 2001, the Supreme Court upheld the ruling of a lower court not to reopen the case of Carmelo Soria, a Spanish citizen working for the U.N. and killed in Santiago in 1976. Nevertheless, in December the Government reached a settlement with the family, including monetary compensation of $1.5 million (1.1 billion pesos), recognition of Soria's diplomatic status, and an agreement to ask the Supreme Court to reopen the case. The high court's decision was still pending at year's end.

On September 10, in response to an extradition request from Argentina, the Santiago Appeals Court ruled not to lift Augusto Pinochet's immunity (as a former president), arguing that his poor mental and physical health prevented him from standing trial for his role in the 1974 car bombing in Buenos Aires that claimed the lives of former Chilean army chief Carlos Prats and his wife Sofia Cuthbert. In October 2001, a judge ordered the preventive arrest of four retired generals and a civilian as a first step in processing their extradition for the same crime. On December 3, the Supreme Court decided that, rather than extraditing the accused, they would be tried in the country.

The investigation continued into the death of Charles Horman, a U.S. citizen killed after being detained by security forces following the 1973 coup d'etat. On October 11, the case was transferred from investigating Judge Juan Guzman to Judge Jorge Zepeda.

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

In January 2001, through the Defense Ministry-sponsored Human Rights Roundtable Dialog, the armed forces provided information on the whereabouts of 200 persons who disappeared while in official custody during the Pinochet regime. All of the information was made public, but some of the information provided was found to be inaccurate. In addition, subsequent investigations have shown that the Air Force did not hand over all the information that it had collected. In October obstruction of justice charges were brought against Patricio Campos, the recently-resigned fifth-ranking general of the Air Force. The Communist Party and the Group of Families of the Disappeared subsequently initiated two lawsuits for obstruction of justice against former general Patricio Rios, the recently-resigned head of the Air Force. Investigations continued at year's end.

While noting the value in having the armed forces officially acknowledge the commission of human rights abuses during the Pinochet regime, President Lagos stated that there remained more than 600 cases of missing persons about whose whereabouts no information had been provided. The Ministry of Justice authorized 20 judges to dedicate their time exclusively to cases of disappearances and another 51 judges to give preference to the investigation of such cases. As a result of their work, the remains of a few dozen victims were found and identified, and some of the perpetrators of the crimes were charged.

Investigations of military-era detentions and disappearances of persons at Colonia Dignidad (now called "Villa Baviera"), a secretive German-speaking settlement 240 miles south of Santiago, made no further progress during the year. Paul Schaefer, who immigrated from Germany in 1961 with 300 followers, founded the 34,000-acre enclave. In April 1999, Judge Guzman issued a detention order against the 79-year-old Schaefer for the kidnaping and disappearance in 1974 of Alvaro Vallejos in the vicinity of Colonia Dignidad. Schaefer, also wanted by the authorities on other charges, remained a fugitive at year's end. In October 2000, the authorities arrested Schaefer's deputy Gerhard Muecke in connection with Vallejos' disappearance. The Government issued an order to expel Muecke but he must stand trial first in connection with Vallejos's disappearance and two other charges that remained under investigation at year's end. Muecke remained in custody at year's end.

In 1985 Boris Weisfeiler disappeared near Colonia Dignidad under circumstances that have yet to be fully clarified. The case was reopened, and it remained under investigation at year's end.

Of the 1,156 persons who disappeared under the military regime, the remains of more than 900 have yet to be found. The Government agency in charge of the compensation program for the families of those executed or who disappeared under the military regime recognizes 3,197 victims of the Pinochet era. These include 2,095 victims in which circumstances of death have been established and 1,102 cases in

which the persons disappeared. Survivors of the victims receive pensions, educational benefits, and other assistance. During the year, monthly pension benefits, distributed to an average 3,441 eligible survivors (spouse, mother or father, and children), were approximately $9.5 million (6.3 billion pesos). From 1992 through 2001, the program distributed well over $87 million (57.8 billion pesos).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids the use of excessive pressure on detainees and the law provides that if a member of the police force uses "torture or unlawful coercion," either physical or mental, orders them to be applied, or commits them against a person under arrest or detention, the officer would be sentenced to imprisonment. Officers who know about the abuse and have the "necessary power and authority" to prevent or stop it also would be considered accessories to the crime if they fail to do so. The CODEPU found that this law had an important impact on the conduct of the Investigative Police, but less so in the case of the Carabineros. Still, reports of abuse and mistreatment by the Carabineros, the Investigations Police, and prison guards were on the rise. Few of these reports lead to hearings in court and even fewer led to convictions.

In 2001 the Latin American Faculty of Social Sciences (FLACSO) published a report on court complaints filed about police violence, which indicated that such reports more than doubled over the last decade. The author speculated that some but not all of the increase may be attributable to an increased willingness on the part of citizens to report police mistreatment and the rise in arrests for certain types of crimes.

According to the FLACSO study, in 1995–96 the Government Corporation for Judicial Assistance in Santiago received 195 accusations of mistreatment by the police at the moment of arrest in 1995–96, 400 in 1997, 815 in 1998, 1,107 in 1999, and 1,074 in 2000. Of a total of 3,591 cases, only 200 were brought before a judge. Usually countercharges of violence against police officers were filed and these cases were sent to a military court. The CODEPU was aware of only 12 cases in which the civil judge retained jurisdiction and notes that of 173 cases brought before military tribunals, only 6 resulted in convictions. The CODEPU was unaware of any case in which a member of the Investigative Police has been convicted.

No new information has become available regarding the mistreatment of military conscripts during the year.

During the year, there were instances of violent confrontations between radical Mapuche groups and local landowners, logging companies, and government authorities in the southern part of the country (*see* Section 5). The actions took the form of protests and, occasionally, instances of rock throwing, land occupations, and burning of crops or buildings. On November 11, an activist was shot and killed in a confrontation with the police. Several Mapuches were arrested in connection with acts of violence.

Police occasionally used force against protesters (*see* Section 2.b.).

In 2001 courses in human rights became part of the core curriculum in police academies for both rank and file police and officers. During the year, similar courses were introduced at the academy for prison guards and officials.

Prison conditions were generally poor. Prisons often were overcrowded and antiquated, with sub-standard sanitary conditions. In March overcrowding led to a prison riot in Valdivia in which part of the prison was destroyed by fire. Several guards and prisoners were injured although there were no fatalities. The prison, built for 200 inmates, housed more than 600. In 2001 a fire broke out in the prison in Iquique that led to the death of 26 prisoners. A police investigation into the circumstances surrounding the fire and the subsequent response by prison officials continued at year's end. The Ministry of Justice announced a $5 million (3 billion pesos) program in all prisons to develop contingency planning for emergencies and prevent such incidents from occurring in the future.

The Government recognized that overcrowding in prisons continued to be a problem. The Ministry of Justice stated that in October 2001 there were 34,335 prisoners in prisons designed to lodge 23,025 inmates, a situation that remained unchanged during the year. In 2001 the Ministry of Justice opened bids on 3 new prisons, to be completed in December 2003 and designed initially to house 4,800 prisoners. These prisons are part of a plan to construct 10 new prisons in the next several years, to house an initial population of 16,000 prisoners. Even with this ambitious construction program, the growing prison population is projected to continue to exceed the space available. Food met minimal nutritional needs, and prisoners may supplement the diet by buying food. Those with sufficient funds often can "rent" space in a better wing of the prison.

Although most analysts state that the guards generally behave responsibly and do not mistreat prisoners, prisoners have complained to CODEPU about beatings,

and the courts have received numerous complaints of mistreatment of prisoners. Prison guards have been accused of using excessive force to stop attempted prison breaks. The Supreme Court expressed particular concern over the sanitary conditions and treatment of prisoners in the Colina II prison's Alfa high security unit. In January 26 prisoners were treated for self-inflicted wounds in protest of their conditions. An investigation ordered by the Supreme Court found evidence of physical mistreatment of the prisoners. The Santiago Appeals Court ordered the unit closed until improvements were made. No one was charged by year's end.

The Minister of Interior asked the courts to conduct independent investigations of credible complaints of police abuse, but such investigations often did not result in arrests due in part to the reluctance of judges to pursue the issue vigorously. Statistics on complaints of mistreatment and reliable reporting of such instances during the year were not available.

When requested by other human rights organizations or family members, CODEPU lawyers visited detainees during the interrogation and represented some suspected terrorists in court. The CODEPU continued to investigate alleged use of excessive force against detainees and particularly was concerned about the treatment of prisoners in maximum-security prisons and prisoners with HIV/AIDS and mental deficiencies who often did not receive adequate medical attention.

Pretrial detainees generally were not held with convicted prisoners. Women generally were housed in separate facilities, which tend to be less crowded and with somewhat better conditions than men's prisons.

By law juvenile offenders (those under the age of 18) were segregated from adult prisoners. According to the latest available figures, there were 422 minors in adult prisons at the end of 1998. However, in September the Supreme Court admonished police officials for failing to keep minors sufficiently separated from adult offenders and ordered prison officials to correct this deficiency. Separation of minors was a concern especially when a minor initially was detained before being brought to court. A study by Diego Portales University determined that in 2001, of the 10,748 minors detained, 37.3 percent were initially held in adult facilities. The National Minors Service began construction of two juvenile detention centers during 2001 and two more during the year.

The Government permits prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution states that no one can be arrested or detained except by a public official expressly authorized by law. The courts must be advised within 48 hours of the arrest and the detainee placed at a judge's disposition. No one can be arrested or detained except in their house or a public facility designed for that purpose. Provisional liberty must be granted unless a judge decides that detention is necessary to pursue the investigation or for the protection of the prisoner or the public. The accused cannot be obliged to testify against himself. The authorities generally respected constitutional provisions for arrest and detention; however, detainees often were not advised promptly of charges against them nor granted a timely hearing before a judge. The Constitution allows civilian and military courts to order detention for up to 5 days without arraignment and to extend the detention of alleged terrorists for up to 10 days. The law affords detainees 30 minutes of immediate and subsequent daily access to a lawyer (in the presence of a prison guard) and to a doctor to verify their physical condition. The law does not permit a judge to deny such access; however, a 1994 study by Diego Portales University indicated that, at that time, 23 percent of the detainees interviewed said they had had no contact with a lawyer.

The most recent statistics available showed that at the end of 1999, 8 percent of the general prison population of 24,791 were under investigation but not charged with a crime; 45 percent were charged with an offense and were awaiting trial or had been convicted and were awaiting sentencing; and 48 percent were serving sentences.

The law requires police to inform those detained of their rights, to expedite notification of the detention to family members, and eliminates the ability of police to demand identification from or stop persons based solely on suspicion. The law also prohibits physical abuse by police against detained persons (*see* Section 1.c.). The Constitution allows judges to set bail.

There were no cases of forced exile; however, a number of people convicted of terrorism have had the remainder of their sentences commuted to exile.

e. Denial of Fair Public Trial.—The Constitution provides for a judicial system independent of the other branches of government. Most sitting judges come from the career judiciary. All judges are appointed for life. A 1997 Constitutional reform set 75 as the age limit for Supreme Court justices, gave the Senate the right to veto presidential nominations to the Court, and increased court membership from 16 to

21. It also mandated that five members of the Supreme Court must be civilians from outside the career judiciary. The Supreme Court prepares lists of nominees for all members of the Supreme Court and appeals courts, from which the President makes nominations. Cases decided in the lower courts can be referred to appeals courts and ultimately to the Supreme Court. The Supreme Court continued to work with the other branches of government on broad judicial reform.

If formal charges are filed in civilian courts against a member of the military, including the Carabineros, the military prosecutor asks for jurisdiction, which the Supreme Court sometimes has granted. This is of particular consequence in human rights cases from the period covered by the Amnesty Law. Military courts are much more inclined to grant amnesty without a full investigation. Military courts have the authority to charge and try civilians for terrorist acts, defamation of military personnel, and sedition. Rulings by military tribunals may be appealed to the Supreme Court. Persons accused of terrorist acts and persons arrested during demonstrations for assaulting a police officer are brought before military tribunals.

Civilians prosecuted in military courts have the same legal protections as those prosecuted in civilian courts (*see* Section 2.a.). They are entitled to counsel, the charges are public, the sentencing guidelines are the same (with the exception that the death penalty can be imposed in a military court but not in a civilian court), and appeals ultimately may be heard by the Supreme Court. The primary difference in the military court system is that the initial investigation and charges are brought by a military prosecutor and the first instance of appeal is in a Court Martial, composed of two civilian and three military judges.

A 1997 judicial reform law created the post of Attorney General, with a 10-year term, and an office of support staff that was in full operation during the year. An office of Public Defender also was established to provide professional legal counsel to anyone who should seek such assistance (*see* Section 1.d.). The judicial reform law, which applies to criminal cases, provides that national and regional prosecutors investigate crimes and formulate charges, leaving judges and magistrates the narrower function of judging the merits of evidence presented to them. Training and administrative setup began in 1999, and implementation began in December 2000, with oral trials in 2 of the 13 political regions. At year's end, eight regions had begun to implement the reform. Initial reports indicated that the reform resulted in a more transparent process, greater respect for defendants' rights, and speedier trials.

The preexisting criminal justice system did not provide for oral trials. In those regions where the judicial reform law has yet to be implemented, criminal proceedings were inquisitorial rather than adversarial. The Constitution provides for the right to legal counsel, but indigent defendants, who account for the majority of the cases, have not always received effective legal representation. They usually were represented by someone from the Government's legal assistance corporation, often a law student finishing his or her studies and doing a mandatory internship. On occasion the court may appoint a lawyer.

There were no reports of political prisoners, although 57 inmates in Santiago's maximum-security prison all charged with terrorist acts following the return to democracy routinely claimed to be political prisoners. Their cases have been pending for 10 to 12 years before a military court. They have yet to be convicted or sentenced.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. A privacy law bars obtaining information by undisclosed taping, telephone intercepts, and other surreptitious means, as well as the dissemination of such information, except by judicial order in narcotics-related cases.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Human rights groups criticized the existence and application of laws that allow government officials to prosecute journalists who insult or criticize them; the Government revoked one such law and sought to revoke others, but cases were still brought during the year.

The press maintained its independence, criticized the Government, and covered issues sensitive to the military, including human rights cases.

In 2001 President Lagos signed a law on freedom of the press that eliminated a provision under the 1958 State Security Law that made it a criminal offense to besmirch the honor of state institutions and their members and symbols, such as the Congress, the Supreme Court, the military services, the flag, and the President. Before its revocation, individual government officials occasionally had invoked the pro-

vision. Military courts have the authority to charge and try civilians for defamation of military personnel and for sedition, but their rulings may be appealed to the Supreme Court (*see* Section 1.e.).

Despite the new press law, the Penal Code still prohibits insulting state institutions such as the presidency, as well as legislative and judicial bodies. In December the president of the Supreme Court brought charges against a talk show participant who, commenting on the case of a woman who spent 3 years in prison for a crime for which she ultimately was absolved, accused the justice system of being immoral, cowardly, and corrupt. He was imprisoned briefly and released on bail. The case was still pending at year's end. The Government sought priority action in Congress on a bill that would remove these provisions protecting government officials.

In December 2001, the president of the State Defense Council brought private libel charges against El Mercurio newspaper for criticism of her performance of official duties and the suggestion that she resign. She had to bring charges on a private basis because the State Defense Council is not one of the institutions covered against libel in the Penal Code. The case was still pending at year's end.

A 1996 privacy law set penalties for those who infringe on the private and public life of individuals and their families; however, the privacy law has never been applied to the media.

Two major media groups controlled most of the print media, which largely were independent of the Government. The Government is the majority owner of La Nacion newspaper, but its editorial content is not under direct government control. Investigative journalism made significant strides forward when La Nacion reported on the alleged withholding of information on human rights violations under the military regime by the Air Force and in addition, when several leading private newspapers broke stories on alleged bribery within congress and the Ministry of Transportation and Public Works.

The broadcast media also largely were independent of direct government influence. The Television Nacional network is state-owned but not under direct government control. It receives no government subsidy and was self-financing through commercial advertising. It is editorially independent and is governed by a board of directors appointed by the President and approved by the Senate. Members reflect various political viewpoints, and the board encouraged the expression of varied opinions over the network.

The National Television Council (CNT), supported with government funding, is charged with assuring that television programming "respects the moral and cultural values of the nation." The CNT's principal role is to regulate violence and sexual explicitness in both broadcast and cable television programming content. Films and other programs judged by the CNT to be excessively violent or to have obscene language or sexually explicit scenes may be shown only after 10 p.m. when "family viewing hours" end. In practice the ever-increasing volume of programming made the CNT's job all but impossible. The CNT issued occasional warnings to networks and cable providers and sometimes obliged them to postpone the showing of certain films until after 10 p.m. It also occasionally levied fines. Debate continued over the CNT's role during the year.

On July 11, the Congress approved a constitutional reform designed to put an end to film censorship and established a film classification system to take its place. The new classification system was scheduled to begin operating in January 2003. Following a 2001 ruling criticizing the Supreme Court's 1997 decision to uphold the 1989 ban on the exhibition of the film "The Last Temptation of Christ," the IACHR gave the Government 60 days to explain what steps had been taken to end censorship and allow exhibition of the film. At year's end, the film had still not been exhibited commercially in the country.

On December 4, a Santiago court ordered police to seize immediately all existing copies of journalist Cristobal Pena's book "Cecilia, La Vida en Llamas". The book is an unauthorized biography of pop diva Cecilia Pantoja and the removal order came after the singer filed a libel suit against the author. The book no longer was on sale in bookstores pending an appeal by the author.

The courts may prohibit media coverage of legal cases in progress but did so rarely. The press began using foreign Internet web sites to publish articles when gag orders were issued. The Government did not restrict use of the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to assemble peacefully, and the Government generally respected this right in practice; however, police occasionally used force against demonstrators.

In April police arrested more than 100 students protesting the cost of student bus passes in Santiago. In June police used tear gas and water cannons to break up a student protest in Valparaiso over the financing of university studies. In August po-

lice arrested more than 60 students and several persons were hurt during a student protest over the cost of bus transportation in Santiago. In early September, police arrested 12 persons and again used water cannons and tear gas in Valparaiso when students commemorating victims of the military dictatorship began erecting barricades and throwing Molotov cocktails. On the anniversary of the September 1973 coup 505 protesters (445 from around the city of Santiago and 60 elsewhere in the country) were arrested. There were 14 policemen injured (4 seriously). One person attempting to erect a barricade was injured.

On October 16, one person was injured and 22 arrested when police broke up a hip hop concert. An amateur video showed what appeared to be unnecessary force by the Carabineros, leading the Corporation to Defend the Rights of Juveniles (CODEJU) to bring a lawsuit against the Carabineros.

The Constitution provides for the right of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Church and State officially are separate; however, the Roman Catholic Church continued to receive some preferential treatment. All denominations practiced their faiths without restriction.

A 1999 law on religion, designed to bring other religious entities in line with the legal status enjoyed by the Catholic Church, went into effect in March 2000. The law bestows the same legal status that the Catholic Church previously enjoyed upon all other faiths and removed the ability of the State to dissolve religious entities by decree. Instead, this only can occur after a judicial review begun by a complaint filed by the autonomous State Defense Council.

Many of the approximately 2 million Protestants, who represent about 12 percent of the population according to the latest census (1992), asserted that the Government has discriminated against them. They cited the absence of Protestant armed forces chaplains, difficulties for pastors to visit military hospitals, and the predominantly Catholic religious education in public schools. Military recruits, whatever their religion, were required at times to attend Catholic events involving their unit. The new law grants other religions the right to have chaplains in public hospitals, prisons, and military units, and the presence of Protestant ministers in these institutions was on the rise. In August Minister of Defense Bachelet promised that all branches of the military would have Protestant chaplains. In December 2001, President Lagos designated Methodist Bishop Neftali Aravena as copastor for the chapel located in the Presidential Palace. Aravena is the first non-Catholic pastor assigned to the chapel in the Presidential Palace. A Protestant representative also was given equal protocol status with the Roman Catholic Cardinal at official events.

In July 2001, the President promulgated new regulations reinforcing a prisoner's right freely to profess the religion of his or her choice. The regulations require prisons to develop areas for worship and to enlist Protestant and Catholic chaplains to hold services. As much as 70 percent of the prison population is estimated to engage in religious activities, primarily evangelical or Catholic.

Schools were required to offer religious education twice a week through middle school; enrollment in religious classes is optional for students. It was mandatory to teach the creed requested by parents, although enforcement was sometimes lax. Instruction was predominantly in the Roman Catholic faith; however, more schools offered non-Catholic alternatives for religious education. The mayor of Santiago pledged in September that all schools in the municipality would offer an evangelical alternative.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. In order for minor children to leave the country, either alone or with only one of their parents, they must have notarized permission from the nonaccompanying parent(s).

The law includes provisions for granting asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum has not arisen.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens 18 years of age and over. In January 2000, voters elected Ricardo Lagos, of the Socialist Party, as president in a free and fair runoff election. He defeated center-right candidate Joaquin Lavin of the Alliance for Chile coalition. Lagos is a member of the center-left Concertacion coalition, which includes his Socialist Party, the Christian Democratic Party, the Party for Democracy (of which Lagos is also a member), and the Radical Social Democrat Party.

The legislative branch, with the exception of 10 nonelected senators among the 48 members of the upper house, is elected freely and is independent from the executive branch. In December 2001, free and fair congressional elections were held for all 120 seats in the lower house and 18 of the 38 elected seats in the Senate. The elections resulted in a 24–24 split between pro-Lagos senators and those of the opposition and narrowed the Concertacion coalition's lead in the lower house from 70–50 to 63–57.

The Government still operates under some political restraints that the military regime imposed. Under the 1980 Constitution, various national institutions—including the President, the Supreme Court, and the National Security Council (the latter acting on nominations by the armed forces)—appoint an additional nine Senators (beyond those elected) to 8-year terms. In addition, former President Frei exercised his option to become a senator-for-life. Former President Pinochet resigned his senator-for-life position in July (*see* Section 1.a.).

The former military government wrote the 1980 Constitution, and amended it slightly in 1989 after losing a referendum on whether General Pinochet should stay in office as president. The Constitution provides for a strong presidency and a legislative branch with limited powers. It includes provisions designed to protect the interests of the military and places limits on majority rule. These provisions include limitations on the President's right to remove the commanders in chief of the three armed services and the Carabineros, certain types of legislation that require supermajorities, and the provision for nonelected senators. In January the IACHR issued a resolution criticizing the existence of designated senators and senators-for-life and urged the Government to end the practice. In October 2000, a Senate Commission (including two designated Senators) unanimously approved a proposal that would abolish these positions starting in 2006; however, at year's end, Congress had not passed legislation codifying this and other proposals for constitutional reform.

Women have the right to vote and were active in all levels of political life, including grassroots movements. There were no legal impediments to women's participation in government and politics. There were 15 women among the 120 deputies, 2 women in the 48-seat Senate, and 5 women among the 16 cabinet ministers. In October 2001, President Lagos appointed the first woman ever to serve as 1 of the 21 justices of the Supreme Court.

The approximately 1.2 million indigenous people have the legal right to participate freely in the political process, although relatively few were active politically. There were no members of Congress who acknowledge indigenous descent.

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

Several human rights Nongovernmental Organizations (NGOs) were active; however, many faced difficulties, due to limited sources of funding. The Chilean Human Rights Commission, an NGO, is affiliated with the International League of Human Rights. The Foundation for Social Help of the Christian Churches continued to be active on the full range of human rights issues and tracked the status of many human rights cases, especially those involving the military. The CODEPU and the Corporation to Defend the Rights of Juveniles greatly reduced their scope of activity during the year. The Government cooperated with domestic NGOs efforts to investigate accusations of human rights violations. Many international NGOs also followed human rights issues closely.

In May 2001, the Minister of Interior created an advisory council to oversee a new autonomous state agency created to protect and promote human rights. The agency helped the Legal Medical Service identify the remains of those who disappeared during the Pinochet regime; cooperated with the judiciary in designating special judges to investigate disappearances; and, through the Ministry of Defense, has worked with the armed forces to obtain more information (*see* Section 1.b.).

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

The Constitution provides for equality before the law and the Government generally respected these provisions. In 1999 Congress amended the Constitution to emphasize the principle of equality between men and women and stated that "persons are born free and equal in their dignity and rights." The new Labor Code prohibits discrimination based on race, color, sex, age, marriage status, union membership, religion, political opinion, nationality, national origin, or social status (*see* Section 6.a.); however, such discrimination occurred in practice.

Women.—Serious problems affecting women included sexual and domestic violence. During the year, the National Women's Service (SERNAM), which combats discrimination against women, conducted courses on the legal, medical, and psychological aspects of domestic violence for police officers and judicial and municipal authorities. A 1994 law specifically addresses violence within the family. A study done in July 2001 by the University of Chile indicated that more than half the women in the country have experienced violence in their relationship with their partner. The study calculates that 34 percent of women have been subject to physical violence (of which 14.9 percent was sexual violence) and another 16.3 percent have suffered psychological violence. Since the law on intrafamily violence went into effect, the number of cases presented in the courts has increased from 1,419 in 1994 to 73,559 in 1999. In July 2001, SERNAM and more than 70 NGOs initiated a campaign that included prominently displayed posters and other activities designed to increase public awareness of the problem of violence against women and reduce its occurrence.

The courts may order counseling for those involved in intrafamily violence. At year's end, there were 17 government and 8 private centers to attend to victims of intrafamily violence. The Investigative Police had a special office that provided counseling for rape victims. The Ministry of Justice also had several offices located throughout the country specifically for assistance in rape cases. There were a number of NGOs such as La Morada that provided counseling.

The law took effect increasing the penalties for sexual abuse. The legislation includes clauses to facilitate proof of the crime and to protect the privacy and safety of the person making the charge. The Citizens' Peace Foundation indicated that there were 1,373 cases of rape reported to the police in 2001, 1,250 in 2000, 1,297 in 1999, and 1,052 in 1998. Experts believe that a majority of rape cases go unreported.

Adult prostitution is not expressly illegal. Police habitually detained prostitutes (usually as a result of complaints by residents of the neighborhood) and accuse them of "offenses against morality," which can lead to a $70 (50,000 pesos) fine or 5 days in prison.

There were no laws against sexual harassment, although it was generally recognized as a problem.

Legal distinctions between the sexes still exist. The law permits legal separation but not divorce, so those who wish to remarry must seek annulments. Since annulment implies that a marriage never existed under the law, former spouses are left with little recourse for financial support. A 1994 law created conjugal property as an option in a marriage, but some women saw this as a disadvantage, since the law on separate property (which still exists) gives women the right to one-half their husbands' assets but gives husbands no rights to assets of the wife. In the face of heavy opposition from the Catholic Church, the Chamber of Deputies approved a divorce bill in 1997; the bill faces Senate opposition but was still on the legislative agenda at year's end.

A July 2001 SERNAM study found that the average earnings of women were 68.2 percent of those of male heads of household. Women with no schooling averaged a salary that was 81.3 percent that of their male counterparts. The minimum wage for domestic helpers (who are thought to number 300,000 in what is probably the largest single category of working women) was only 75 percent of the standard minimum wage (*see* Section 6.e.). Women with university training averaged 53.4 percent as much earnings as their male counterparts. The Labor Code provides specific benefits for pregnant workers and recent mothers; these also apply to domestic workers. Employers do not have the right to ask women to take pregnancy tests prior to hiring them, although the La Morada Corporation for Women has received reports that the practice continued in some companies.

Children.—The Government provides free education through high school; education is compulsory from first through eighth grade.

Violence against children was a serious problem, although it appeared to be declining. A survey of 8th grade students by UNICEF comparing the incidence of mistreatment from 1994 to 2000 showed that in 1994, 63 percent of children had been

subject to some sort of physical violence compared with 54 percent at the end of the period. During the same period, those having suffered some sort of serious physical violence from their parents had fallen from 34 percent to 25 percent.

A 1999 report by the National Minors Service (SENAME) noted that it had handled the cases of 5,453 mistreated children for the first 6 months of that year; 583 of these cases were judged severe enough to be presented to legal authorities. The SENAME reported that 9,723 cases of abuse were brought to its attention in 1998. From mid-1998 to December 1999, the SENAME brought to the courts 713 cases for child abuse, 314 for rape, 292 for sexual abuse, 79 for grave harm done to children, and 28 cases of homicide. Of the cases, 70 percent came to trial, of which 80 percent resulted in convictions. SENAME lawyers received specialized training in child abuse cases, leading to a higher conviction rate of offenders according to the Director of the organization. A report from the La Morada Corporation for Women released in 1999 estimated that there were 20,000 cases of sexual abuse of children every year.

A 1996 UNICEF report stated that 34 percent of children under 12 years of age experienced serious physical violence, although only 3.2 percent of the victims of intrafamily violence reported to the Carabineros family affairs unit were below the age of 18. A 1994 law on intrafamily violence was designed in part to address this problem. According to UNICEF, some form of corporal punishment was used by one or both parents in 62 percent of households.

Child prostitution was a problem (*see* Section 6.f.).

Police and social workers make an effort to identify and place child prostitutes found on the streets in juvenile homes.

Persons with Disabilities.—The law promotes the integration of persons with disabilities into society; the Government's National Fund for the Handicapped has a small budget to encourage such integration. The 1992 census found that 288,000 citizens said that they had some form of disability. Persons with disabilities still suffer some forms of legal discrimination; for example, blind persons cannot become teachers or tutors. Although the law requires that new public buildings provide access for persons with disabilities, the public transportation system did not make provision for wheelchair access, and subway lines in the Santiago metropolitan area provided facilitated access for persons with disabilities only in some areas.

Indigenous Persons.—Approximately 1.2 million persons identify themselves as indigenous. The Mapuches, from the south, account for approximately 930,000 of this total. There are also small Aymara, Atacameno, Rapa Nui, and Kawaskhar populations in other parts of the country. A committee composed of representatives of indigenous groups participated in drafting the 1993 law that recognizes the ethnic diversity of the indigenous population and gives indigenous people a voice in decisions affecting their lands, cultures, and traditions. It provides for eventual bilingual education in schools with indigenous populations, replacing a statute that emphasized assimilation of indigenous people. Of the population that identifies itself as indigenous, approximately one-half remained separated from the rest of society, largely due to historical, cultural, educational, and geographical factors. In practice the ability of indigenous people to participate in governmental decisions affecting their lands, cultures, traditions, and the allocation of natural resources was marginal. Indigenous people also experienced some societal discrimination.

The National Corporation for Indigenous Development (CONADI) was created in 1994, and indigenous people were elected directly as representatives to this body in 1995 and 1999. It advises and directs government programs that assist the economic development of indigenous people. In May 2000, the Commission for Truth and New Treatment appointed by the Lagos administration proposed a 16-point program aimed at addressing indigenous concerns. As part of the program, the Commission for Truth and New Treatment became permanent, with a mandate to find ways to facilitate the participation of Mapuche and other indigenous populations in the formulation of national policies affecting them. The commission met during the year and is charged with issuing a report by June 2003.

Land occupations and other violence by isolated Mapuche Indian groups against private forestry companies occurred through much of the year (*see* Section 1.c.). Police arrested nine Mapuches following a land seizure in March. In April, in two separate instances, trucks carrying lumber were set on fire; no persons were injured. The police charged two Mapuches in one of the incidents. Approximately a dozen Mapuches briefly occupied the offices of the European Union protesting the Government's handling of Mapuche land issues and its treatment of indigenous people.

On November 7, a Mapuche activist was shot and killed in a confrontation with police. This incident led to a rise in protests and confrontations. In December seven leaders of the activist group Coordinadora Arauco-Malleco were arrested and jailed

as suspects in an attack on a forestry plantation in December 2001. They face charges for terrorist acts and for being part of an illicit association under the State Security Law.

Several Mapuche families continued to object to exchanging traditional lands for other property as part of the Ralco hydroelectric project. Sixty-seven families accepted economic inducements to move to other land but six families involved continued to object to Ente Nacional de Electicidad's (ENDESA) effort to have them resettled. In March police used tear gas and bullets to turn back protesters armed with Molotov cocktails, sticks, and stones in an attempt to block construction of the dam. More than 50 protesters were arrested and 15 injured. In June a small bomb blew out windows at the Chilectra headquarters (owned by ENDESA) in Santiago. In December one of the six families reached a financial settlement with the company. The others subsequently entered into negotiations with ENDESA.

The Ninth region, which is mainly Mapuche, is one of the regions using the new criminal justice system (*see* Section 1.e.). Because of a rise in cases stemming from violent actions, some indigenous leaders saw the new system as a way to target and repress the Mapuche; these feelings of distrust may represent a lack of understanding of the new system, which in fact provided them with enhanced rights.

The Government was preparing a response to a 1999 suggestion from the U.N. Committee for the Elimination of Racial Discrimination that the Government apologize to and compensate indigenous people for their historical treatment, and explicitly outlaw racial and ethnic discrimination.

National/Racial/Ethnic Minorities.—The country assimilated a major European migration in the 19th century and major Middle Eastern and Croatian migrations in the early part of the 20th century. There are also smaller racial and ethnic minority groups such as those of Asian descent and African-Chileans, who experienced some societal intolerance.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form unions without prior authorization and to join existing unions. The work force was estimated at 5.87 million persons, of whom 3.7 million were salaried. Union membership was approximately 580,000, or roughly 10 percent of the work force. Police and military personnel may not organize collectively. Members of unions were free to withdraw from union membership. The law prohibits closed union shops.

The Labor Code permits nationwide labor centrals; the Unified Workers Central (CUT) was the largest and most representative of these. Labor unions were effectively independent of the Government, but union leaders usually were elected from lists based on party affiliation and sometimes receive direction from party headquarters. Political activities or affiliations of unions or union officials were not restricted, although currently serving union officials are not allowed to hold public office. Registering a union was a simple process. In December 2001, a major reform of the Labor Code went into effect. Among various other provisions aimed at facilitating the formation of unions and promoting collective bargaining, the reform freed unions from government regulation of their internal organization and permitted unions to be structured along geographic as well as functional lines.

Amendments to the Labor Code resulting from the 1981 reform placed additional limits on the causes for dismissal (for example, misconduct outside the workplace no longer was grounds for dismissal) and significantly increased the penalties for unjustified dismissals. Employees who believe they have been dismissed unfairly or dismissed owing to their trade union activities file complaints with the Ministry of Labor and ultimately, the labor tribunals. According to the revised Labor Code, if the dismissal is found to be related to trade union activity on the part of the employee, he or she may choose between reinstatement with back wages or an additional compensatory payment. The burden of proof rests with the employer in cases in which alleged illegal antiunion activity is supported in a report by a labor inspector.

During the year, there continued to be allegations that employers dismissed workers for union activity and attempted to avoid a complaint by immediately paying them some multiple of the normal severance pay. During the year, labor leaders complained that companies invoked the law's needs-of-the-company clause to fire workers after a union had signed a new contract even though penalties for doing so without justification have been increased. Workers often were reluctant to contest these actions because of the huge backlog in the Labor Tribunals. This is expected to change since the Labor Directorate may become a party to these cases.

The CUT and many other labor confederations and federations maintained ties to international labor organizations.

b. The Right to Organize and Bargain Collectively.—Employees in the private sector have the right to strike; however, the Government regulates this right, and there were some restrictions. The law permits replacement of striking workers, subject to the payment of a fine that is distributed among the strikers. Public employees in theory do not enjoy the right to strike, although government teachers, municipal, and health workers have gone on strike in the past. The law proscribes employees of some 30 companies—largely providers of essential services (e.g., water and electricity)—from striking; it stipulates compulsory arbitration to resolve disputes in these companies. There was no provision for compulsory arbitration in the public sector. Strikes by agricultural workers during the harvest season were prohibited.

Employers must pay severance benefits to striking workers and must show cause to dismiss workers.

There were a number of strikes during the year. In May 2001, a strike against the bicycle manufacturer Bianchi received considerable attention when one of the striking workers was struck and killed by a bus carrying nonstriking workers attempting to enter the facility. The case remained under investigation for possible criminal charges at year's end. Eight workers were fired after the strike ended.

Despite legal provisions for collective bargaining, before the modifications that went into force in December 2001, the Labor Code included provisions that made it difficult for trade unions to organize in many sectors.

Union officials and the Ministry of Labor have indicated that the modifications of the Labor Code have made union organizing easier and preliminary data on new union formation after December 2001 appear to confirm those expectations. The head of the labor inspectors stated that her office noted among workers a sense of greater security in forming new unions and initiating collective bargaining negotiations, while at the same time, less resistance to these activities on the part of employers.

Workers engaged in the formation of a union may not be discharged during the period from 10 days before to 30 days after the vote to unionize. Likewise, the workers engaged in collective bargaining are immune for 10 days before the presentation of a contract proposal until 30 days after it is signed. They are also entitled to all pertinent financial information from the company for the last 2 years. The modifications also greatly increase fines for violating immunities enjoyed by union leaders or artificially dividing up a company for the purpose of avoiding provisions in the code or resisting unionization. To enforce the new provisions, the Labor Directorate under the Ministry of Labor had begun to hire some of the 443 new employees mandated under the new legislation, including 300 labor inspectors, almost doubling the number of field inspectors.

Temporary workers—defined in the Labor Code as those in agriculture and construction, as well as port workers and entertainers—may form unions, but their right to collective bargaining is limited. The recent modification of the Labor Code contains reforms aimed at facilitating collective bargaining in the agricultural sector but it is still dependent on employers agreeing to negotiate. Inter-company unions were permitted to bargain collectively only if the individual employers agree to negotiate under such terms.

Labor laws apply in the duty free zones; there were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the Labor Code prohibit forced or bonded labor, and it was not known to occur. While the Labor Code does not specifically prohibit forced and bonded labor by children, there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law restricts child labor; however, it was a problem in the informal economy. The law allows children between the ages of 16 and 18 to work with the express permission of their parents or guardians. The law allows 15-year-olds to work under certain conditions; their parents must consent, they must have finished compulsory schooling, and they may only perform light work not requiring hard physical labor or constituting a threat to health and childhood development. Additional provisions in the law protect workers under 18 years of age by restricting the types of work open to them (for example, they may not work in nightclubs) and by establishing special conditions of work (they may not work more than 8 hours in 1 day). The minimum age to work in an underground mine is 21 years; special regulations govern the ability of 18- to 21-year-olds to work at other types of mining sites.

Labor inspectors enforced these regulations, and compliance was good in the formal economy; however, many children were employed in the informal economy. UNICEF estimated that approximately 107,000 children between the ages of 12 and 19 work. A government study in 1996 estimated that 15,000 children between the ages of 6 and 11 and 35,000 children between the ages of 12 and 14 were in the

work force. A 1998 Catholic Church study estimated that 50,000 children under the age of 15 worked. The majority of these were males from single-parent households headed by women; among these were children who worked more than 40 hours per week and did not attend school. During the year, an ILO study put the number of working children age 12–14 in 2000 at 14,914, or 2 percent of the children of that age. Children sold chewing gum on the street, washed windshields, worked as street performers, begged, or helped their parents to harvest crops. The Ministry of Labor convenes regular meetings of a tripartite group (business-labor-government) to monitor progress in eradicating child labor.

e. Acceptable Conditions of Work.—The law sets minimum wages, and the minimum wage is adjusted annually. A tripartite committee comprising government, employer, and labor representatives normally suggests a minimum wage based on projected inflation and increases in productivity. The minimum wage at year's end was approximately $150 (111,500 pesos) net of deductions per month. This wage was designed to serve as the starting wage for an unskilled single worker entering the labor force and did not provide a worker and family with a decent standard of living. The minimum wage for domestic servants was 75 percent of that for other occupations (*see* Section 5). The Government estimated that the proportion of the workforce at or below minimum wage rose from 9.1 percent in 1998 to 14.4 percent in 1999. According to the Government, of the workers who earn the minimum wage, approximately 43 percent are between the ages of 15 and 19.

The law sets hours of work and occupational safety and health standards. The legal workweek is 48 hours and is scheduled to be reduced to 45 hours on January 1, 2005. The maximum workday length is 10 hours, but positions such as caretakers and domestic servants are exempted. All workers enjoy at least one 24-hour rest period during the workweek, except for workers at high altitudes who voluntarily exchange a work-free day each week for several consecutive work-free days every 2 weeks.

Occupational health and safety were protected under the law and administered by both the Ministries of Health and of Labor. The Government increased resources for inspections by more than 60 percent since 1990 and plans almost to double the current number over the next 3 years, while targeting industries guilty of the worst abuses. As a result, enforcement was improving, and voluntary compliance was fairly good. Insurance mutual funds provide workers' compensation and occupational safety training for the private and public sectors. Workers who remove themselves from situations that endanger their health and safety have their employment protected if a real danger to their health or safety exists.

f. Trafficking in Persons.—There were no laws that specifically prohibit all forms of trafficking in persons; however, the law makes it a crime for anyone to promote or facilitate the entry to or exit from the country of persons for the purpose of facilitating prostitution. Sanctions are increased in cases in which the victim is a minor; in which violence or intimidation is used; if deception or abuse of authority is involved; if the victim is related or under the tutelage of the perpetrator; if advantage is taken of a victim's circumstances or handicap; or if the action is of a recurring nature. Child prostitution was a problem; there were a few other reports that persons were trafficked to or from the country.

There are legal sanctions for adults who are found to have induced children under the age of 18 to engage in commercial sex or engage them for the purposes of pornography. UNICEF estimated in 1999 that there were roughly 10,000 child prostitutes between the ages of 6 and 18. The age of consent is 12 years; the law is vague regarding child prostitution above this age unless force, fraud, or abuse of authority can be proven.

The Government employs various measures to help educate the general population on trafficking. For example, the Carabinero Public Relations Department carried out lectures on prevention intended for children, adolescents, and adults with the purpose of preventing the disappearance of minors and adolescents as well as avoiding deception. Other organizations such as Mother's Centers, and the National Service for Minors also offered support programs to prevent trafficking.

COLOMBIA

Colombia is a constitutional, multiparty democracy in which the Liberal and Conservative parties have long dominated politics. On March 10, voters elected a bicameral legislature with a mix of Liberal, Conservative, and independent members. On May 26, voters elected independent Alvaro Uribe President. Both elections were

generally free and fair, in spite of a concerted campaign by terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC) to disrupt them. A major internal armed conflict between the Government and leftist guerrillas, particularly the FARC and the terrorist organization National Liberation Army (ELN)—as well as right-wing paramilitaries, particularly the terrorist organization United Self-Defense Forces of Colombia (AUC), caused the deaths of between 5,000 and 6,000 civilians during the year, including combat casualties, political killings, and forced disappearances. Serious violations of human rights were commonplace. The civilian judiciary was largely independent of government influence; however, the suborning or intimidation of judges, witnesses, and prosecutors was common.

The civilian-led Ministry of Defense (MOD) is responsible for internal and external security and oversees both the National Police and the Armed Forces, including the army, air force, and navy, which includes the coast guard and the marines. In addition to the armed forces and the National Police, the public security forces include armed state law enforcement and investigative authorities such as the Administrative Department of Security (DAS), which has broad intelligence gathering, law enforcement, and immigration control functions, and the Prosecutor General's Corps of Technical Investigators (CTI). The National Police are responsible for maintaining internal order and security in urban areas, although persistent guerrilla assaults on isolated detachments have compelled the thinly-staffed Police to leave 157 municipalities without a Police presence. The Armed Forces are responsible for order and security in rural areas and support the National Police in urban areas when called upon. Over the years, the public security forces have taken important steps to improve their human rights record; however, some members of the armed forces and the police continued to commit serious of human rights abuses.

Despite decades of drug and politically related violence, the market-based economy is diverse and relatively advanced. The country's population is estimated at 44 million. Crude oil, coal, coffee, and cut flowers are the principal legal exports, although illegal drug trafficking has created a large illicit economy. Economic growth for the year was estimated at 1.6 percent, while inflation measured over 7 percent. Income distribution was highly skewed, with 67 percent of the population living in poverty.

The Government's human rights record remained poor; there were continued efforts to improve the legal framework and institutional mechanisms, but implementation lagged, and serious problems remained in many areas. A small percentage of total human rights abuses reported were attributed to state security forces; however, some members of the Government security forces continued to commit serious abuses, including unlawful and extrajudicial killings. Some members of the security forces collaborated with paramilitary groups that committed serious abuses. Impunity remained at the core of the country's human rights problems. The civilian judiciary was inefficient, severely overburdened by a large case backlog, and undermined by corruption and intimidation. Despite some prosecutions and convictions, the authorities rarely brought high-ranking officers of the security forces charged with human rights offenses to trial.

Police, prison guards, and military forces mistreated detainees. Conditions in the overcrowded and underfunded prisons were harsh; however, renovation and new construction ameliorated some problems. There were allegations of arbitrary arrests and detentions, particularly in "Rehabilitation and Consolidation Zones," and prolonged pretrial detention remained a fundamental problem. The authorities sometimes infringed on citizens' privacy rights, and the security forces sometimes interfered with public demonstrations and marches. A number of journalists were killed, and journalists continued to work in an atmosphere of threats and intimidation, in some instances from local officials, but primarily from paramilitary groups and guerrillas. Journalists practiced self-censorship to avoid reprisals. There were some restrictions on freedom of movement, generally because of security concerns and confined to narrowly defined geographic areas, particularly "Rehabilitation and Consolidation Zones." Violence and instability in rural areas displaced over 400,000 civilians from their homes. The total number of internally displaced persons (IDPs) may have exceeded 2.5 million. There were reports that security force members harassed members of human rights groups. Violence and extensive societal discrimination against women, child abuse, and child prostitution were serious problems. Extensive societal discrimination against indigenous people and minorities continued. Labor leaders and activists continued to be victims of high levels of violence. Child labor was a widespread problem. Trafficking in women and girls for the purpose of sexual exploitation was a problem. Colombia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

Paramilitaries continued to commit numerous unlawful and political killings, particularly of labor leaders, often kidnaping and torturing suspected guerrilla sympathizers prior to executing them. Paramilitaries also conducted kidnapings for ransom. Paramilitaries committed "social cleansing" killings of homosexuals and other "undesirable" elements. However, paramilitaries appeared to commit far fewer large-scale massacres than in 2001. Paramilitaries often interfered with personal privacy in areas where they exercised de facto control, and regularly engaged in military operations in which they endangered civilian lives by fighting in urban areas and using civilian dwellings as combat shelter. Paramilitaries displaced thousands through both terror-induced forced displacements of suspect populations and military operations that drove peasants from their homes. Paramilitaries regularly threatened and attacked human rights workers and journalists who criticized their illegal activities. Paramilitaries also recruited child soldiers.

Guerrillas, particularly the FARC, were responsible for a large percentage of civilian deaths attributable to the internal armed conflict. The rate of guerrilla abuses increased during the year, particularly as the FARC attempted to undermine the national elections and complicate the peaceful transfer of power between administrations. They engaged in a concerted campaign to destabilize municipal governments by killing 9 mayors and threatening to execute others, forcing nearly 400 mayors to submit their resignations. In addition to politicians, guerrillas killed journalists, labor union members, and numerous religious leaders. The FARC also continued to kidnap, torture, and kill off-duty members of the public security forces. Guerrillas, particularly the FARC and the ELN, kidnaped thousands of civilians to help finance subversion and put political pressure on the Government. Victims were held in deplorable conditions and often tortured both physically and psychologically. Guerrillas, particularly the FARC, caused mass displacements both intentionally and as byproducts of military offensives, and caused thousands of civilian deaths and injuries through indiscriminate attacks on small towns and random terrorist bombings throughout the country. Guerrillas, particularly the FARC, engaged in widespread recruitment of minors and used female conscripts as sex slaves.

In April the Executive Director of the Americas Division of Human Rights Watch (HRW) testified that both the FARC and the AUC committed similar abuses and crimes, although their motives and goals were different.

The Government operated a protection program for threatened human rights workers, union leaders, journalists, mayors, and several other groups. The program provided a range of protection options, ranging from vehicles and armoring of offices to relocation and economic assistance.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—Political, unlawful, and some extrajudicial killings remained an extremely serious problem. The Permanent Committee for the Defense of Human Rights (CPDDH), a prominent local human rights NGO (*see* Section 4), estimated that of the 28,230 homicides reported by the National Police, 4,416 were politically motivated. The DAS estimated that there were approximately 4,025 politically motivated homicides, the vast majority committed by nonstate actors. However, some members of the security forces continued to commit unlawful killings. The CPDDH reported that the security forces committed 59 political killings during the year, or 1.34 percent of the total. The Jesuit founded Center for Investigation and Popular Research (CINEP) reported that security forces were responsible for 92 intentional homicides of protected persons in the first 6 months of 2001. Most of the incidents cited by the CPDDH and CINEP were under investigation by military and/or civilian authorities at year's end. Civilian courts tried an increasing number of cases of military personnel accused of human rights violations (*see* Section 1.e.). Members of the security forces sometimes collaborated illegally with paramilitary forces, and the authorities continued to investigate past cases of alleged collaboration with or failure to prevent massacres by paramilitaries. Investigations of past killings and massacres proceeded slowly. There were no published reports that police or members of the armed forces committed social cleansing killings.

On September 25, near the village of Brisas de Yanacue, in the municipality of Cantagallo, Bolivar department, army troops broke into a private residence before sunrise and killed Florentino Castellanos and his 9-year-old son. Castellanos's wife, Mongui Jerez, was seriously wounded, losing an arm and a leg. Army troops mistakenly suspected that FARC guerrillas were sheltered in the family's dwelling. At year's end, the Procuraduria General (the Procuraduria) and the military were in-

vestigating the incident to establish basic facts and determine if the military should transfer its investigation to the Prosecutor General's Office (Fiscalia).

On December 8, the Fiscalia indicted 8 members of the army's Ninth Brigade, including a colonel and a captain, for the August 24 killing of FARC deserter Robinson Castro. The suspects allegedly killed Castro to steal $250,000 (728.1 million pesos) in cash he had intended to turn over to government authorities.

Authorities continued to investigate the April 2001 killing of policeman Carlos Ceballos, who had testified in the investigation of illegal wiretapping by the Medellin GAULA anti-kidnaping force (*see* Section 1.f.).

The CPDDH reported that 2,452 persons were killed in massacres during the year. The CPDDH defines a "massacre" as the killing of 3 or more persons outside of combat in the same general location within a 24 period. The MOD reported a much smaller figure, with 361 persons killed in massacres during the year. The National Police registered 680 victims of massacres. Both the MOD and the National Police define a "massacre" as the killing outside of combat of 4 or more persons in a single incident. The CPDDH reported that state security forces killed 86 persons in massacres during the year, although it released no information on specific incidents. There continued to be reports of acts of negligence or deliberate omission by state security forces that facilitated massacres.

The Inspector General's Office (Procuraduria) received 217 complaints against members of the state security forces related to massacres and unlawful killings. The Procuraduria sanctioned three members of the army and eight members of the police on murder charges, and exonerated five members of the army, 2 members of the police, and one member of the air force. The office continued to refer all cases involving human rights violations to the Prosecutor General for criminal investigation.

The Human Rights Unit of the Fiscalia was investigating 173 members of the state security forces for human rights crimes at year's end. The unit arrested 57 members of the state security forces during the year and filed charges against 25 for a variety of crimes including murder, torture, kidnaping, and collaboration with paramilitary groups. However, for various reasons, including lack of resources for investigations, lack of protection for witnesses and investigators, lack of coordination between government organs, and, in some cases, obstruction of justice by individuals, impunity continued to be widespread.

In 2001 a military trial court exonerated the soldiers involved in the August 2000 killing of six children by an army unit in the town of Pueblo Rico, Antioquia department; however, the Superior Military Tribunal returned the case for reconsideration. No decision had been reached at year's end (*see* Section 1.g.).

There was no significant progress in investigations by the Fiscalia and the Procuraduria of a March 2001 paramilitary massacre in San Carlos, Antioquia department, which resulted in the deaths of 13 persons. CINEP and the Colombian Commission of Jurists (CCJ) charged that police and military troops withdrew from the area of the attack 3 days prior to the massacre, and permitted a truck carrying 15 paramilitary hostages to pass unchallenged through a military roadblock.

On November 28, prosecutors permanently closed their investigation of army Colonel Miguel Angel Sierra, army Captain Carlos Alirio Buitrago, and four enlisted men for their alleged participation in the January 2000 killings of Uberney Giraldo and Jose Evelio Gallo near the village of San Antonio, Montebello municipality, Antioquia department. Both Giraldo and Gallo were long-demobilized ELN guerrillas associated with the Socialist Renewal Current (CRS) political movement. The Fiscalia continued to investigate the suspected participation in the crimes of army noncommissioned officers Humberto de Jesus Blandon and Sandro Fernando Barrera. The Procuraduria continued its own investigation of the case at year's end.

On June 6, the Procuraduria ordered the dismissal of army Lieutenant Emilio Suarez and 28 enlisted personnel for participating in the 1997 kidnaping and killing of two suspected guerrillas near Santa Ana, Antioquia department, and for subsequently staging a mock combat intended to cover up the crimes.

On November 5, retired army Lieutenant Colonel Jorge Plazas, former director of intelligence for the army's 13th Brigade, was sentenced to 40 years in prison for his role in the 1998 kidnaping and killing of Jewish businessman Benjamin Khoudari. The Bogota Supreme Court had still not ruled on appeals by two other persons of their convictions for aggravated kidnaping and murder in the case.

Prosecutors continued to investigate the possible involvement of public security forces in the May 1998 Barrancabermeja massacre, as well as the July 2000 killing of Elizabeth Canas, a key eyewitness. The Procuraduria also was conducting an inquiry into Canas's death. No progress seemed likely in either investigation.

There was no ruling in the trial of retired army Colonel Bernardo Ruiz, former commander of a military intelligence brigade, for allegedly ordering the 1995 killing

of Conservative Party leader Alvaro Gomez. Two civilians were convicted of the killing and sentenced to lengthy prison terms, while four other persons were acquitted.

The Supreme Court had not yet ruled on an appeal by five army officers and four suspected paramilitaries of their 1998 convictions for the 1988 Nuevo Segovia paramilitary massacre in which 43 persons were killed.

On May 23, the Council of State overturned on a technicality the Inspector General's 1994 order dismissing Brigadier General Alvaro Velandia from the armed forces for involvement in the 1987 kidnaping, torture, and killing of Nydia Erika Bautista, an M-19 guerrilla. The Procuraduria was appealing the decision at year's end. The Association of Families of Detained and Disappeared Persons (ASFADDES) and the Bogota office of the U.N. High Commission for Human Rights (UNHCHR) condemned the decision. ASFADDES and Bautista's relatives had already presented the case to the Inter-American Commission on Human Rights (IACHR). No progress seemed likely in an investigation of the case by the Fiscalia.

Credible allegations of cooperation with paramilitary groups, including instances of both passive support and direct collaboration by members of the public security forces, particularly the army, continued. Evidence suggested that there were tacit arrangements between local military commanders and paramilitary groups in some regions, since paramilitary forces operated freely in some areas despite a significant military presence. Some members of the security forces actively collaborated with members of paramilitary groups—passing them through roadblocks, sharing intelligence, providing them with ammunition, and allegedly even joining their ranks while off duty.

The military high command stated repeatedly that it would not tolerate collaboration between military personnel and paramilitaries, and that the armed forces would combat paramilitary groups. Although state security forces doubled operations against paramilitaries during the year and quadrupled the number of paramilitaries captured since 2000 (*see* Section 1.g.), security force actions in the field were not always consistent with the leadership's positions. In addition to active collaboration, the military often was accused of failing to respond in a timely manner to warnings of impending paramilitary massacres or selective killings. The military generally cited lack of credible information, available manpower, and adequate mobility to explain these failures. Impunity for military personnel who collaborated with members of paramilitary groups remained common.

An investigation continued into the January 2001 paramilitary massacre of 27 civilians at the village of Chengue, near the town of Chalan in Sucre department. On November 12, a specialized criminal court in Sincelejo found army Sergeant Ruben Dario Rojas "not guilty" of facilitating the massacre. The Fiscalia appealed the decision. The same specialized court had yet to rule of the culpability of army Sergeant Euclides Rafael Bossa, although the evidence against the two suspects was similar. The Fiscalia formally linked paramilitary leader Nidia Esther Veilla to the crime. The Procuraduria filed formal disciplinary charges against nine members of the public security forces, including former Navy Admiral Rodrigo Quinones, for possible culpable omission in failing to prevent the massacre. Quinones resigned from the armed forces effective December 31.

In December the authorities released two gunmen arrested for the August 2001 killing of Yolanda Paternina, local lead prosecutor in the Chengue case, for lack of evidence. Two CTI investigators working undercover on the case already had disappeared in April 2001 near the town of Berrugas and were presumed dead.

On May 3, the Human Rights Unit of the Fiscalia formally charged 72 paramilitaries for killing 20 persons in the April 2001 massacre in the Alto Naya region, bordering the departments of Cauca and Valle del Cauca. Fifteen paramilitaries pled guilty to conspiracy to commit the crimes. Three others were convicted of killing and sentenced to 26 years in prison. The Procuraduria was conducting a disciplinary investigation into allegations that the army may have been negligent in preventing the massacre. According to prosecutors, no active duty service members were implicated in the commission of this crime.

The Procuraduria was investigating army Brigadier General Eduardo Herrera and Police Colonel Guillermo Aranda for possible misconduct related to the July 2001 kidnaping by paramilitaries of 43 men near Peque, Antioquia department. Seven of these men, who the AUC forced to herd cattle, were later found dead. At year's end, it was still unclear whether their paramilitary kidnapers killed them or the FARC did on the assumption that they were paramilitary collaborators.

The Procuraduria found no evidence of misconduct by any member of the public security forces related to the October 2001 paramilitary massacre of 24 persons near the city of Buga, Valle del Cauca department. The Fiscalia continued its criminal investigation; however, the investigation's closure seemed likely.

Civilian authorities continued to investigate the February 2000 paramilitary massacre of 42 persons in the El Salado neighborhood of the town of Las Ovejas, Bolivar department. An earlier military investigation found complaints of complicity to be unsubstantiated. Authorities detained 16 suspected paramilitaries, who were standing trial at year's end. The Procuraduria continued its disciplinary investigation of nine members of the public security forces, including navy admiral Humberto Cubos and former admiral Rodrigo Quinones, for potential misconduct related to the incident.

The Fiscalia also was investigating allegations of army complicity in a series of paramilitary crimes in and around the "peace community" of San Jose de Apartado, in the Uraba region of Antioquia department in 2000 and 2001. In two separate incidents in 2000, paramilitaries massacred five residents of San Jose and six residents of the nearby community of La Union. In March 2001 paramilitaries again entered San Jose and threatened members of the community. In July 2001, paramilitaries entered La Union, killed one resident, and drove out hundreds of others. On March 30, presumed paramilitaries killed a member of the San Jose peace community on the road between San Jose and the regional capital of Apartado. On October 20, paramilitaries entered La Union, "disappeared" one resident, and drove out hundreds of others, who were displaced to San Jose. To prevent further terrorist attacks on the community, the military established a permanent presence in the mountains surrounding La Union. La Union's residents had not returned by year's end. Although peace community leaders accused the army's 17th Brigade of involvement or acquiescence in many of these incidents, prosecutors uncovered no evidence of military complicity.

An investigation continued of army Colonel Victor Matamorros and army Captain Juan Carlos Fernandez regarding allegations that the two actively collaborated with paramilitaries between 1997 and 1999 in the department of Norte de Santander. Matamorros and Fernandez were the commander and intelligence chief, respectively, of an army battalion based in the departmental capital of Cucuta. Over a period of 5 months in 1999, 15 major paramilitary massacres occurred near the Norte de Santander towns of La Gabarra and Tibu. On April 8, a court in Cucuta convicted Giovanni Velasquez, a paramilitary, of aggravated murder for his role in the massacre.

In March 2001, the Fiscalia charged former Tibu military base commander Major Mauricio Llorente, former Tibu police commander Major Harbey Fernando Ortega, and 13 policemen with murder and complicity with paramilitaries in one of the 1999 Tibu massacres. An investigation continued into a related massacre of six persons near the town of Los Cuervos. The Procuraduria continued its disciplinary investigation of a police official for possible involvement in the Los Cuervos massacre; however, it closed its investigation of the Tibu massacre after finding no evidence of negligence or complicity by any member of the public security forces.

The Fiscalia closed its investigation into allegations that Colonel Rafael Alfonso Hani collaborated with paramilitaries while commander of the army's Palace Battalion, based in Buga, Valle del Cauca department, from 1999 to 2000. Despite the fact that there was a significant increase in paramilitary activity in the region during Hani's tenure, prosecutors found insufficient evidence to charge him with a crime. The Procuraduria continued its own investigation of Hani.

The Fiscalia continued to investigate the 1998 paramilitary massacre of 19 persons in Puerto Alvira, near the town of Mapiripan, Meta department. In March 2001, the Superior Military Tribunal confirmed a lower military court's decision to close the military's investigation of the case. The Procuraduria formally exonerated Major General Agustin Ardila, Major General Jaime Humberto Cortes, Brigadier General Freddy Padilla, Brigadier General Jaime Uscategui, and Lieutenant Colonel Gustavo Sanchez of any wrongdoing related to the massacre at Puerto Alvira. The Fiscalia continued its investigation of 21 members of the public security forces for alleged collusion with paramilitaries responsible for approximately 160 social cleansing killings in northeastern Antioquia between 1995 and 1998. The Procuraduria was investigating 26 officials on disciplinary charges related to the same events. The Fiscalia continued its investigation of General Jaime Humberto Uscategui for alleged collusion with paramilitaries related to the 1997 Mapiripan massacre. In November 2001, the Constitutional Court overturned on jurisdictional grounds Uscategui's April 2001 military court conviction for dereliction of duty in failing to prevent the massacre (*see* Section 1.e.). The Fiscalia also was prosecuting 11 other defendants, including 3 members of the armed forces, for offenses related to events at Mapiripan.

There was no reported progress in an investigation by the Fiscalia into allegations that retired Brigadier General Fernando Millan armed and equipped a paramilitary group in Santander department that was responsible for the killings of at least 11

persons in 1997. On March 8, the Procuraduria, which was conducting a disciplinary investigation of the allegations, exonerated Millan but found army Colonel Hernando Sanchez and police Lieutenant Oscar Esteban Hernandez guilty, ordering their immediate dismissal. The ruling was confirmed on appeal on July 9.

The Fiscalia continued its investigation into allegations that former General Rito Alejo del Rio collaborated with paramilitaries in the Uraba region of Antioquia department while he was commander of the army's 17th Brigade from 1995–97. Del Rio was arrested on these charges in July 2001, but subsequently was released based on a controversial ruling that there were jurisdictional flaws in the arrest warrant. On December 5, the Procuraduria closed its disciplinary investigation into similar allegations after finding insufficient evidence of the alleged crimes.

The trial continued of retired army Colonel Jose Ancizar Hincapie for alleged collaboration with paramilitaries who killed 11 persons between 1993 and 1994.

Former navy intelligence informant Jimmy Alberto Arenas was convicted of murdering 63 persons in Barrancabermeja between 1991 and 1993 and was sentenced to a lengthy prison term.

The majority of the approximately 80 cases from the country before the IACHR involved violations of the right to life. The IACHR continued its attempt to broker an amicable settlement of the former Patriotic Union (UP) Party's 1996 complaint charging the Government with "action or omission" in what the UP termed "political genocide" of UP and Communist Party members. Negotiations to amicably resolve the dispute, which began in 1999, continued. Despite ongoing implementation of a Ministry of Interior protection program for members of the UP and the Communist Party, little progress was achieved. The Government cited the large numbers of complainants as a complicating factor in resolving the dispute. Members of the UP continued to be targets of violence. On November 26, 10 armed men abducted Omar de Jesus Correa near a mass transit station in Medellin. His welfare and whereabouts remained unknown at year's end. In 2001 the IACHR presented a case to the Inter-American Court of Human Rights involving alleged military-paramilitary collaboration in the 1996 killings of 19 merchants near the town of Simacota, Santander department.

On July 29, the Government concluded an amicable settlement of claims related to the 1992 police killings of eight children and one adult in the Villatina neighborhood of Medellin. As part of the settlement, the Government agreed to construct and equip the community with a modern health center, fund the establishment of an employment-generating local small business, and indemnify the victims' families. Shortly after his inauguration, President Uribe instructed foreign ministry officials to reach friendly settlements in all pending cases in which state responsibility seemed clear. On October 17, the Government began serious negotiations on five cases.

Paramilitaries committed numerous political and unlawful killings, primarily in areas they disputed with guerrillas and generally in the absence of a strong government presence. The MOD reported that paramilitary forces were responsible for the deaths of 397 civilians as of November 30. The Human Rights Ombudsman's Office reported that it had received reports of 329 unlawful killings by paramilitaries as of October 31. According to the Colombian Commission of Jurists (CCJ), a well-known local NGO (*see* Section 4), paramilitaries were responsible for the deaths of at least 930 civilians in the first 6 months of the year. Paramilitaries targeted journalists (*see* Section 2.a.), human rights activists (*see* Section 4), labor leaders (*see* Section 6.a.), community activists, indigenous leaders (*see* Section 5), local politicians, and others they suspected of sympathizing with guerrillas.

The Fiscalia continued investigations into numerous killings committed by paramilitaries in the Magdalena River port city of Barrancabermeja, Santander department. During the year, army personnel concentrated on combating paramilitary influence in the region. Of the 54 confirmed members of illegal armed groups captured by the army battalion in Barrancabermeja, 48 were paramilitaries. The battalion also captured 66 persons involved in gasoline theft, a multi-million dollar criminal enterprise dominated by paramilitaries.

Four paramilitaries were on trial for the February 2001 killing of former Cucuta regional ombudsman Ivan Villamizar (*see* Section 4).

The Fiscalia was investigating the September 2001 killing by presumed paramilitaries of Congressman and House of Representatives Acting Peace Committee Chairman Jairo Hernando Rojas.

Paramilitaries also killed members of the armed forces and national police who attempted to hamper their illegal activities. For example, on June 14, paramilitary gunmen interrupted an English class at a night school in the town of Pamplona, Norte de Santander department, and killed local police chief Major Sergio Gutierrez. Gutierrez had received death threats warning him to cease efforts to dismantle a

local paramilitary organization. On November 19, 12 armed men killed 2 police investigators working on an operation to combat paramilitary extortionists in the town of La Ceja, Antioquia department. On December 3, 15 paramilitaries from the Central Bolivar Block stopped a bus 12 miles outside the town of Concepcion, Santander department, removed 3 unarmed police officers dressed in civilian clothes, and killed them. The three officers were traveling to the town of Malaga to testify in a criminal case against paramilitaries.

In November 2001, AUC leader Carlos Castano issued a public statement promising the cessation of large-scale paramilitary massacres. Based on the observations of diplomatic observers and the national press, many AUC-affiliated paramilitary groups appeared to change their operations accordingly, significantly reducing the number of massacres perpetrated by paramilitaries. For example, according to the MOD, paramilitaries had killed 54 persons in 11 massacres as of November 30, compared with 281 victims in 42 massacres in 2001. The National Police released a similar figure, reporting that 59 persons were killed by paramilitaries in massacres during the year. However, the CPDDH released a much larger figure, reporting that paramilitaries killed 1,549 persons in massacres.

For example, on August 22, members of the AUC's Calima Front, which is deeply involved in drug trafficking, kidnaped and killed eight men near the village of Barragan, in Valle del Cauca department. Two days later, army troops killed two paramilitaries believed to have been involved in the killings.

Prosecutors continued to investigate massacres committed by paramilitaries in 2001 in the municipalities of Penol, Antioquia department, Frias, Magdalena department, Sabaletas, Valle del Cauca department, and a remote region of Boyaca department. There was no significant progress in any of these investigations.

Prosecutors continued to investigate an April 2000 paramilitary massacre of 21 men at Tibu, Norte de Santander department.

The Fiscalia continued to investigate a series of attacks in November 2000 in which paramilitaries killed 27 fishermen in the La Cienaga de Santa Marta area, Magdalena department.

The Fiscalia continued to investigate two different massacres near Trujillo, Valle del Cauca department, in 1989–90 and 1994. The authorities held one accused paramilitary in custody and had outstanding arrest warrants for three others. One paramilitary suspect was killed while in custody.

The Fiscalia reopened an investigation into the 1990 killing of presidential candidate and former M-19 guerrilla Carlos Pizarro after AUC leader Carlos Castano confessed to the killing in memoirs published in 2001. In June prosecutors requested that Castano be tried in absentia and sentenced to 60 years in prison.

Paramilitary "social cleansing" killings of homosexuals, prostitutes, drug users, vagrants, and persons with mental disabilities were reported in Barrancabermeja, Cucuta, and other cities. The CCJ reported that paramilitaries committed at least 212 "social cleansing" killings in the first 6 months of the year. For example, on June 14, paramilitaries executed two men on the outskirts of the town of Giron, Santander department; a note attached to one of the bodies attempted to justify the killings on the grounds that the men were common criminals. On September 14, paramilitaries in the town of Soledad, Atlantico department, killed 19-year-old Mario Paut as a presumed vagrant because he had broken a 9 p.m. curfew. Paut had left his home at 10 p.m. to buy diapers for his 1-month-old infant.

During the year, guerrillas, particularly the FARC, appeared to have committed a higher percentage of the nation's unlawful killings than they did the previous year, often targeting noncombatants. The MOD attributed 70 percent of civilian deaths, or 916 killings, to guerrillas between January and November. The MOD had attributed 51 percent of civilian deaths in 2001 to guerrillas. The Human Rights Ombudsman's Office reported that as of October 31, it had received complaints of 324 intentional killings by guerrillas, 193 by the FARC, 20 by the ELN, and 111 by unidentified guerrillas. However, the CPDDH reported that guerrillas were responsible for only 452 civilian deaths during the year, or 10 percent of the total. The CPDDH attributed 382 killings to the FARC and 53 to the ELN. The CPDDH attributed the deaths of 3,882 civilians to unidentified illegal armed groups.

Guerrilla targets included local elected officials and candidates for public office (*see* Section 3), civic leaders, business owners, peasants opposed to guerrilla activities, religious leaders (*see* Section 2.c.), indigenous people (*see* Section 5), labor leaders (*see* Section 6.a.), and teachers (*see* Section 2.a.). Some communities controlled by guerrillas also experienced social cleansing killings. Guerrilla offensives often caused significant civilian casualties (*see* Section 1.g.) and prompted significant displacements (*see* Section 2.d.).

Many unlawful killings committed by guerrillas were politically-motivated. The security chief for ex-president Andres Pastrana claimed to have thwarted 92 at-

tempts on Pastrana's life, the vast majority by guerrillas, during Pastrana's 4-year-term that ended on August 7. The FARC also attempted to assassinate candidate and current President Alvaro Uribe at least 12 times (*see* Section 3).

Smaller guerrilla groups also committed politically motivated unlawful killings. For example, on April 27, seven members of the Popular Liberation Army (EPL) killed a 16-year-old girl in the town of San Calixto, Norte de Santander department, for consorting with local military personnel.

The FARC committed more large-scale massacres than it did in 2001. The Ministry of Defense attributed 85 percent of civilian deaths in massacres during the year, or 307 total killings, to guerrillas. In 2001 the MOD attributed 36 percent of such deaths to guerrillas. The CPDDH reported that guerrillas killed 280 persons in massacres during the year, only 11 percent of its much larger estimate of massacre victims. According to the CPDDH, the FARC killed 241 persons in massacres and the ELN killed 31. The CPDDH blamed the deaths of an additional 691 persons on unidentified illegal armed groups.

On September 15, the FARC abducted 22 coca-leaf pickers near the town of Vista Hermosa, Meta department. After 4 days of torture, the guerrillas killed 11 coca-leaf pickers and buried them in a mass grave, apparently because the FARC suspected they were paramilitary collaborators. On August 10, near the town of La Gabarra, Norte de Santander department, the FARC shot and killed seven peasants who refused to be forcibly recruited. On August 31, near the town of Corralito in the Montes de Maria region of Bolivar department, the FARC killed eight farm workers whom it accused of being paramilitary collaborators.

Prosecutors continued to investigate the February 2001 killings by the FARC of seven ecotourists in Purace national park, bordering the departments of Huila and Cauca. Eight senior FARC leaders were identified as suspects in the case.

An investigation continued into the FARC's May 2001 killing of seven peasants near the village of Alto Sinu, Tierra Alta municipality, Cordoba department. Prosecutors ordered the arrest of Jhoverman Sanchez, leader of the FARC's 58th Front.

There was no progress in the investigation of the ELN's killing of nine peasants in the village of La Cristalina, located near the town of Puerto Wilches, Santander department, in retaliation for their vocal opposition to a government proposal to create an ELN safe haven in the region in anticipation of potential peace negotiations.

The Fiscalia continued to investigate deaths, disappearances, and kidnapings of off-duty military and police personnel, often killed as part of the FARC's publicly announced "Pistol Plan." On May 12, the FARC kidnaped, tortured, and executed nine enlisted soldiers on a Mothers Day furlough in Caqueta department (*see* Section 1.b.). On September 14, in Cucuta, Norte de Santander department, a reported member of the FARC shot and killed an 18-year-old soldier at his mother's home.

Little progress was made or seemed likely on investigations into killings committed by the FARC in its former safe haven ("despeje"). For example, no arrests were anticipated for the FARC's killing of seven residents of the former despeje town of La Macarena, Meta department, in the week following the abolishment of the FARC safe haven. Five of the victims were killed reportedly for failing to fully cooperate with the FARC, and two others were killed for attempting to steal FARC commander Mono Jojoy's custom bed and prize pig following his departure.

The Fiscalia continued to investigate the killings of 20 persons, including 8 police officers and the mayor of Vigia del Fuerte, Antioquia department, during a March 2000 FARC attack on Vigia del Fuerte and Bellavista, Choco department, located on opposite sides of the Atrato River. On April 8, the authorities charged three members of the FARC with killing and terrorism. They were in custody and awaiting trial at year's end.

The Fiscalia continued to investigate the FARC's December 2000 killing of Congressional peace commission chairman Diego Turbay, his mother, and five other persons in Caqueta department. No progress was expected in arresting the senior FARC leaders accused of ordering the crime. However, on June 5, a court sentenced—in absentia—Manuel Marulanda, alias "Tirofijo"; Jorge Briceno, alias "Mono Jojoy"; and 3 other members of the FARC Secretariat to 396 years in prison for the 1997 kidnaping and killing of Turbay's older brother, then-Senator Rodrigo Turbay.

On November 5, the Fiscalia ordered the arrest of eight members of the FARC's 57th Front for the January 2001 killing of Henry Perea, mayor of the town of Jurardo, Choco department. Perea had been pulled from his office and shot in broad daylight. No arrests appeared imminent.

On July 30, prosecutors indicted nine senior FARC leaders for the September 2001 kidnaping and killing of former Minister of Culture Consuelo Araujo near Valledupar, Cesar department. The FARC apparently killed Araujo when it became clear she could not maintain the pace required for the FARC to outrun military ef-

forts to rescue her. On November 18, the Fiscalia ordered the arrest of two other FARC leaders for their involvement in the crime.

Authorities failed to capture FARC Eastern Bloc commander German Briceno, known as "Grannobles"; who was indicted for the 1999 killings of U.S. citizen indigenous rights activists Terence Freitas, Lahe'ena'e Gay, and Ingrid Washinawatok near Saravena, Arauca department. On November 28, police arrested three FARC guerrillas suspected of involvement in the kidnaping. Confessed FARC member Nelson Vargas, who was suspected of participating directly in the killings, was serving a prison sentence for the separate crime of rebellion.

The FARC executed guerrilla soldiers who attempted to desert. For example, on June 3, near the town of Yondo, eastern Antioquia department, the FARC killed two female soldiers who planned to desert.

Guerrillas killed citizens using bombs, artillery, and antipersonnel landmines, and continued their practice of using gas canisters to attack small towns, killing civilians indiscriminately (*see* Section 1.g.).

b. Disappearance.—The law specifically defines forced disappearance as a crime. More than 3,800 cases of forced disappearance have been formally reported since 1977. Very few have been resolved. The great majority of victims of forced disappearance have never been seen or heard from again.

The CPDDH reported that state security forces were responsible for 10 forced disappearances during the year. The CCJ reported four such cases in the first 6 months of the year. The Procuraduria investigated 105 members of the state security forces on disciplinary charges related to forced disappearances (*see* Section 1.a.). In 35 cases, the allegations were credible enough for the Procuraduria to open a formal investigation. One army captain was formally charged, two police agents were found guilty and sanctioned, and one police agent was exonerated.

The law prohibits kidnaping; however, it remained an extremely serious problem. According to the Free Country Foundation, an anti-kidnaping NGO (*see* Section 4), during the year there were a total of 2,986 kidnapings; 936 were attributed to the FARC, 776 to the ELN, 180 to paramilitaries, including the AUC, and the remaining to smaller groups such as the EPL (People's Liberation Army) and common criminals. Elite government anti-kidnaping units known as GAULAs and other elements of the security forces freed 693 hostages and forced the release of 190 others. However, despite government efforts, the Free Country Foundation reported that at least 62 persons died in captivity during the year, including 3 children. Thirty-eight of these persons were killed by their captors. On January 29, then-President Andres Pastrana signed a new anti-kidnaping law that provides for 40-year jail sentences. At the same time, Pastrana announced disbursements of approximately $2 million (5 billion pesos) to strengthen the GAULAs.

Some members of the state security forces were involved in kidnaping for ransom. For example, on May 14, police arrested two members of the National Police and an official from the Fiscalia for participating in the kidnaping of shoe magnate Esteban Rangel. On September 20, the BBC reported that some kidnap victims alleged they were abducted by members of the police either at roadblocks or after having been flagged down by police cars. The report noted that victims were uncertain whether they had been kidnaped by corrupt police officers or guerrillas using stolen police uniforms.

Paramilitaries were responsible for the majority of forced disappearances. The CPDDH attributed 439 forced disappearances during the year to paramilitaries, or 60 percent of such violations. The CPDDH also reported that 277 persons were forcibly "disappeared" by unidentified armed groups. According to the Free Country Foundation, paramilitaries were responsible for 180 kidnapings, or 7 percent of all kidnapings during the year in which a perpetrator was identified. Paramilitaries generally abducted persons suspected of collaboration with guerrillas, whom they almost always killed (*see* Section 1.a.). In April and October, presumed paramilitaries abducted persons near the town of San Jose de Apartado, in the Uraba region of Antioquia department (*see* Section 1.a.).

An investigation continued into the June 2001 paramilitary abduction of Embera-Katio indigenous leader Kimi Domico in Tierralta, Cordoba department. Domico apparently was kidnaped in retaliation for cooperation with the FARC. In December 2001, AUC military commander Salvatore Mancuso implied that Domico had been killed.

Authorities continued to investigate the October 2001 paramilitary kidnaping of 13 fishermen near the Cienaga de Santa Marta, Magdalena department. Three of the victims escaped, and at least six were confirmed dead. The four victims still missing were presumed dead.

Paramilitaries sometimes abducted government employees investigating paramilitary crimes (*see* Section 1.a.). No further progress seemed likely in the April

2001 disappearances of two CTI investigators near Berrugas, Sucre department, who were working undercover on the January 2001 Chengue paramilitary massacre (*see* Section 1.a.). An investigation continued into the 2000 abduction of seven members of the CTI near Minguillo, Cesar department. The whereabouts of the CTI employees were unknown, and they were presumed dead.

Paramilitaries generally did not hold hostages for long periods of time to gain political concessions. However, they did commit kidnapings for ransom. For example, in 2000 paramilitaries kidnaped Venezuelan businessman Richard Bolton, who was only released on July 15 after his family paid a large ransom.

Kidnaping continued to be an unambiguous, standing policy and major source of revenue for both the FARC and ELN. The FARC continued to kidnap persons in accordance with its so-called "Law 002," announced in March 2000, which requires persons with more than $1 million (2.95 billion pesos) in assets to volunteer payments to the FARC or risk detention. The Free Country Foundation reported that guerrillas committed 75 percent of the 2,986 kidnapings reported during the year in which a perpetrator was identified. The Foundation reported that the FARC kidnaped 936 persons and the ELN 776. In addition, the FARC often purchased victims kidnaped by common criminals and then negotiated ransom payments with the families. There were many reports that guerrillas tortured kidnap victims (*see* Sections 1.c. and 1.g.). Several released kidnap victims claimed that the FARC had been holding more than 200 persons in the former despeje before the zone's abolishment in February.

According to the Free Country Foundation, merchants, government employees, and cattle ranchers were among the guerrillas' preferred victims. However, the largest category of kidnaping victims was children, over 384 of whom were kidnaped during the year. In 2001, for example, the FARC kidnaped 11-year-old Laura Ulloa from her school bus in Cali, and did not release her until April 5. It was suspected that a ransom was paid for her return. In October 2001, the FARC kidnaped 18-month-old Mariana Ossa in a middle class neighborhood of Medellin. Although Ossa's parents paid a ransom for her release in July, she was not released until December 22. The FARC kidnaped several mayors' children to pressure the mayors into resigning (*see* Section 3).

According to the Free Country Foundation, 1,714 kidnapings during the year, or over 57 percent of the total, were economically motivated. During an April 2 newspaper interview, ELN Supreme Commander Nicolas Rodriguez, alias "Gabino," stated that the ELN expected to receive payment for the release of kidnap victims. Gabino added that kidnap victims "have a specific economic value" and that "the Government must understand that, if there are funds for a peace agreement, these funds must be applied to resolving the situation of these kidnap victims." The Government immediately rejected Gabino's demand.

On August 19, the ELN kidnaped 27 tourists from a resort near the town of Bahia Solano, Choco department. At year's end, all but three had been released, most in return for ransom payments or IOUs accompanied by death threats for noncompliance. Victims reported that the group, which included retired persons and children, was forced to hike 12 hours a day through jungle swamps on meager rations of bananas and rice. Many of the victims contracted malaria or other serious illnesses and one elderly victim died of a heart attack and was buried in an unmarked grave.

Guerrillas sometimes demanded ransom payments before returning the bodies of kidnap victims who died in captivity. For example, in April relatives of a merchant kidnaped near the town of Pensilvania, Caldas department, paid the FARC nearly $2,000 (5.9 million pesos) to recover his body.

Guerrillas also kidnaped foreigners for ransom. According to the Free Country Foundation, 31 foreigners were kidnaped during the year. For example, on April 19, the FARC abducted two Canadian citizens and one French citizen whose helicopter made an emergency landing in a remote region of Narino department. They were released on July 30. Government authorities believe a ransom was paid. In October 2001, the FARC kidnaped Dutch student Roelant Jonker near the village of Santa Cecilia, Choco department. Jonker was released on June 12 in return for a ransom of approximately $8,000 (23.6 million pesos). On May 22, a combined team of army, police, and DAS personnel rescued 64-year-old Maria Luisa Trevissan de Bachetti, an Italian citizen and owner of a Venezuelan steel plant, from a joint FARC/ELN team holding her hostage in the town of Maico, La Guajira department. Trevissan de Bachetti had been kidnaped on April 19 in Venezuela. The guerrillas were demanding $10 million (29.5 billion pesos) for her release.

The FARC committed numerous politically motivated kidnapings in an attempt to destabilize the Government and pressure it into a prisoner exchange. According to the Free Country Foundation, there were 208 politically motivated kidnapings dur-

ing the year. On April 15, HRW published a letter to FARC leader Manuel Marulanda that called for an immediate end to targeting political leaders.

On February 20, FARC operatives hijacked an airliner on route from Neiva, capital of Huila department, to Bogota, forced it to land on the Bogota-Neiva highway, and kidnaped Senator Jorge Eduardo Gechem, Chairman of the Senate Peace Commission. The hijacking was apparently planned for the express purpose of kidnaping Senator Gechem. Gechem's cousin, Diego Turbay, former chairman of the House of Representatives Peace Commission, was killed by the FARC in 2000. Gechem's kidnaping led then-President Pastrana to declare a definitive end to stalled peace negotiations with the FARC and abolish the FARC's despeje in the south.

On February 23, 3 days after the despeje was abolished, the FARC kidnaped presidential candidate Ingrid Betancourt and her campaign manager, Clara Rojas, on the highway between Florencia and San Vicente del Caguan, Caqueta department. On July 23, the FARC released a videotape of a thin, tired Betancourt, apparently recorded on May 15. In early October, a Bogota television news station received a message from the FARC stating that Betancourt was in good condition.

On April 11, the FARC committed a daring daylight kidnaping of 16 members of the Valle del Cauca departmental assembly from the assembly's headquarters in downtown Cali. FARC operatives dressed in army uniforms announced that the building was being evacuated because of a bomb threat and hurried victims into a waiting bus painted in army colors. Although four victims were rescued by the military in the following week, 12 victims remained in captivity at year's end. On August 28 and December 27, the FARC released videos of the 12 remaining captives, who appeared to be in good health.

On April 21, the FARC kidnaped Guillermo Gaviria, governor of Antioquia, and Gilberto Echeverri, departmental peace commissioner and former national Minister of Defense, while the governor was leading a peace march through the eastern Antioquia town of El Vaho.

The FARC continued to hold captive former members of Congress Orlando Bernal, Luis Eladio Perez, and Consuelo Gonzalez, kidnaped in 2001, and Congressman Oscar Lizcano, kidnaped in 2000. All four former members' terms expired while they were in captivity. The FARC also held former Meta governor Alan Jara, who was kidnaped in July 2001 while riding in a U.N. vehicle with the U.N. Development Program (UNDP) director and other government officials.

The FARC continued to hold nine victims of a mass kidnaping carried out in July 2001 from a luxury apartment building in Neiva, Huila department. The captives included the wife and two children of a congressman.

Members of the public security forces were also among the preferred victims of politically-motivated kidnapings. According to the Free Country Foundation, 68 members of the public security forces were kidnaped during the year, all by guerrillas, particularly the FARC. The Ministry of Defense reported that the FARC and ELN continued to hold or had "disappeared" at least 102 members of the public security forces.

On April 5, the International Committee of the Red Cross (ICRC) recovered the bodies of two police officers, both killed by the FARC. One of the bodies was that of Corporal Jose Norberto Perez, the father of Andres Felipe Perez, a 13-year-old boy who died of cancer in December 2001 after having pleaded with the FARC to release his father so that the family could be reunited before the boy's death.

Guerrillas kidnaped journalists (*see* Section 2.a.).

The whereabouts of three American missionaries kidnaped from eastern Panama in 1993 remained unknown, and they were presumed dead.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and criminal law explicitly prohibit torture, and cruel, inhuman, or degrading treatment or punishment; however, there were reports that the police, military, and prison guards mistreated and tortured detainees. The Military Penal Code directs that trials of members of the military and police accused of torture be held in civilian, rather than military, courts (*see* Section 1.e.). The Procuraduria received 103 complaints of torture by state agents during the year. CINEP reported that state security forces tortured 16 persons during the first 6 months of the year; 14 of these cases were attributed to the army and 2 to the police.

The Fiscalia was investigating accusations publicized during the year by the Committee in Solidarity with Political Prisoners (CSPP) that members of the Cali GAULA collaborated with paramilitaries in abducting and torturing individuals suspected of involvement in kidnapings.

Colonel Jose Ancizar Molano, Captains Alvaro Hernando Moreno and Rafael Garcia, Lieutenant Carlos Eduardo Jaramillo, and four noncommissioned officers remained on trial at year's end for torturing 12 marines with asphyxiation and electric shock in 1995.

CINEP reported 42 cases of torture by paramilitaries during the first 6 months of the year. Victims of paramilitary killings often showed signs of torture.

Guerrilla groups also tortured and abused persons. CINEP reported only three cases of torture by guerrillas during the first 6 months of the year; however, the bodies of many persons kidnaped and subsequently killed by guerrillas showed signs of torture and disfigurement. Numerous former kidnap victims and hostages taken by the guerrillas during combat reported severe deprivation, denial of medical attention, and physical and psychological torture during captivity (*see* Section 1.b.). The MOD reported that guerrillas tortured or mutilated and killed soldiers and policemen after they surrendered (*see* Section 1.g.).

Prison conditions were harsh, particularly for prisoners without significant outside support. Severe overcrowding and dangerous sanitary and health conditions remained serious problems. The National Prison and Penitentiary Institute (INPEC) reported that the nation's daily food allowance per prisoner was only $1.25 (3,500 pesos). Private sources continued to provide the majority of most prisoners' food. In June 2001, based on a lawsuit filed by prisoners incarcerated in Valledupar, Cesar department, the Valledupar Supreme Court ordered INPEC to improve prison conditions in the department. Many of INPEC's 10,000 prison guards were poorly trained or corrupt. On March 6, prison guards at the Valledupar penitentiary beat an unruly prisoner in his cell so severely that he died 36 hours later. The Fiscalia placed the six guards under arrest on suspicion of murder. The Office reportedly was investigating allegations of prison guard brutality in other installations as well.

Only four prisons—Valledupar, Acacias, Popayan, and Combita—met international standards for acceptable conditions for prison facilities. Two more prisons designed to meet these standards were under construction in La Porada, Caldas department, and Palo Gordo, near Bucaramanga, Santander department. In other prisons, inmates paid to eat, drink, sleep on a mattress, wash clothes, or make telephone calls. Many inmates in such facilities also were forced to pay protection money to fellow inmates or corrupt prison guards.

According to INPEC, overcrowding remained a serious problem. In October the country's prisons and jails held approximately 52,900 inmates, 16 percent over their intended capacity of 45,500. The country's largest prisons had some of the highest occupancy levels. For example, Medellin's Bellavista prison, the country's largest, held over three times as many prisoners as it was designed to hold.

An estimated 17.8 percent of the country's prisons were between 40 and 80 years old, 3.5 percent between 80 and 201 years old, and 2.4 percent more than 201 years old. The Ministry of Justice made some progress in implementing a plan announced in 2000 to expand prison capacity by 18,000 beds by 2003. Since the announcement, the Government renovated 17 of the country's 151 penitentiaries, including some of its largest, expanding prison capacity by 6,400 beds.

The Government sometimes failed to prevent deadly violence among inmates. For example, on July 12, a routine cell search in Bucaramanga's La Modelo jail revealed plans for a mass escape led by ELN inmates and sparked a large riot that resulted in the death of one inmate and serious injuries to four others. INPEC reported 8 major prison riots, compared with 19 in 2001. However, unlike the previous year when 61 inmates died in such uprisings, only 3 lives were lost in these disturbances.

There were no large-scale prison escapes; however, a total of 223 prisoners did escape from the country's prisons during the year. These escapes were divided roughly evenly between classic escapes and abuses of administrative privileges such as 72-hour passes. Nevertheless, these numbers represented an improvement over 781 escapes registered in 2000. Enhanced external security, which prevented paramilitaries and guerrillas from breaking out imprisoned comrades, and the revocation during the year of the policy permitting the issuance of 72-hour passes to favored prisoners, accounted for the improvement. Several failed escapes were elaborately planned, such as an effort by paramilitaries, discovered in October, to tunnel out of Bogota's La Picota prison.

During the year, the authorities moved high-level narcotics traffickers to the new high security prison at Combita, where they endured the same spartan conditions as other prisoners. The renovation of the high security wing of Bogota's La Picota prison also was completed, ending many inmates' relatively comfortable prison lifestyles.

There were separate prison facilities for women, and in some parts of the country there were separate women's prisons. Conditions at women's prisons were similar to those at men's prisons, but were far less violent. According to the Criminal Procedure Code, no one under the age of 18 may be held in a prison. Juveniles were held in separate facilities operated by the Colombian Family Welfare Institute (ICBF).

There were no separate facilities for pretrial detainees, who made up an estimated 43 percent of all prison inmates. According to INPEC, 981 pretrial detainees

were held in overcrowded police jails, despite court orders that they be transferred to long-term detention facilities. Failure on the part of many local military commanders and jail supervisors to keep mandatory detention records or follow notification procedures made accounting precisely for all detainees impossible.

The ICRC continued to have routine access to most prisons and police and military detention centers. The ICRC continued to have ad hoc access to civilians held by paramilitaries and guerrillas. However, the FARC and ELN continued to deny the ICRC access to police and military hostages (*see* Sections 1.b. and 1.g.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution includes several provisions designed to prevent illegal detention; however, there continued to be allegations that authorities arrested or detained citizens arbitrarily. Many such allegations originated in "Rehabilitation and Consolidation Zones" established by presidential decree, where security forces were granted expanded powers to establish public order.

President Uribe issued Decree 2002 on September 10 by authority of his August declaration of a "State of Internal Disturbance" (*see* Section 1.f.). In addition to authorizing the creation of "Rehabilitation and Consolidation Zones", the decree granted the police and armed forces the power to make arrests, intercept communications, and search private residences without written warrants, and to do so without judicial authorization in exigent circumstances. However, on November 26, the Constitutional Court struck down provisions of the decree that granted police powers to the military, emphasizing that prosecutorial officials must determine when personal liberty interests can be infringed upon in the interests of public safety.

The Constitutional Court's decision was consistent with its April 11 ruling striking down the National Defense and Security Act of 2001, which had threatened to infringe on the due process rights of persons detained or investigated by the military (*see* Section 1.e.). Among other things, the Act had not specified the maximum period detainees might be held by the military before being turned over to civilian authorities.

The law prohibits incommunicado detention. Even in Rehabilitation Zones, anyone detained by law enforcement authorities must be brought before a senior prosecutor within 36 hours of his or her detention. A senior prosecutor must then rule on the legality of the detention within an additional 36 hours. Despite these legal protections, there continued to be allegations of arbitrary detention.

Conditional pretrial release is available for minor offenses or after unduly long periods of investigative detention. In the case of most felonies, detention prior to the filing of formal charges cannot exceed 180 days, after which a suspect must be conditionally released. In the cases of crimes deemed particularly serious, such as murder or terrorism, authorities are allowed up to 360 days to file formal charges before a suspect must be conditionally released.

Paramilitaries in the city of Barrancabermeja, Santander department, exercised illegal "social controls," such as curfews for children, ad hoc punishments for domestic violence and petty crimes, and the issuance of paramilitary-produced identification cards to bona fide local residents.

The FARC pressed the Government to adopt a permanent prisoner exchange law; however, both the Pastrana and Uribe administrations rejected the idea. Families of kidnap victims, particularly relatives of 12 Valle del Cauca Assembly members kidnaped in April and still held by the FARC (*see* Section 1.b.), pressed the Government to participate in a one-time humanitarian prisoner exchange. During the year, guerrillas continued to hold at least 47, and as many as 102, soldiers and police who either were captured in combat or kidnaped while off-duty. The ICRC was not permitted access to them (*see* Section 1.b.).

The Constitution prohibits forced exile, and the Government did not practice it. However, there were numerous instances of individuals pressured into self-exile for their personal safety. Such cases included persons from all walks of life, including politicians, journalists, human rights workers, slum-dwellers, business executives, farmers, and others (*see* Sections 2.a. and 4). The threats came from various quarters: some individual members of the security forces, paramilitary groups, guerrilla groups, narcotics traffickers, and other criminal elements.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the civilian justice system was independent of the executive and legislative branches in both theory and practice; however, the suborning or intimidation of judges, witnesses, and prosecutors was common. Impunity remained the single greatest problem threatening the credibility of the Government's commitment to human rights. The university-affiliated Corporation for Judicial Excellence, which was preparing a study on impunity, reported that the overall level of impunity cited

by a variety of governmental and nongovernmental sources was between 80 and 95 percent.

Judges have long been subject to threats and intimidation, particularly when handling cases involving members of the public security forces or of paramilitary, guerrilla, and narcotics trafficking organizations. Violent attacks and threats against prosecutors, defense attorneys, and judges continued. Prosecutors reported that potential witnesses in major cases often lacked faith in the Government's ability to protect them and thus were unwilling to testify, hindering chances for successful prosecutions. For example, in December two prosecution witnesses failed to appear at the trial of three members of the Irish Republican Army who were accused of training members of the FARC. One of the witnesses could not be found, and the other said that he feared for his life.

According to a statement issued by the Supreme Court, as of July 16, terrorist organizations such as the FARC and the AUC had threatened judicial officials working in at least 368 courts in 231 municipalities. As of August 30, 408 judges and 396 prosecutors from 248 municipalities felt obligated to work out of offices in departmental capitals for reasons of security.

In March 2001, Bogota judge Lesther Gonzalez received threats that appeared related to important cases on her docket, including the 1995 assassination of Alvaro Gomez, the 1997 Mapiripan massacre, and the 1997 killings of three CINEP volunteers. Also in March 2001, Medellin judge Adalgisa Lopera fled the city with her family following a death threat. Judge Lopera heard paramilitarism, terrorism, and narcotics cases.

In April 2001, two undercover CTI employees investigating the January 2001 Chengue massacre disappeared in Sucre department. In December two gunmen arrested for the August 2001 killing of Yolanda Paternina, local lead prosecutor in the case, were released for lack of evidence (*see* Section 1.a.).

An investigation continued into the April 2000 killing of prosecutor Margarita Maria Pulgarin in Medellin. Paramilitaries were suspected of killing her. One suspect had been charged in absentia; however, no one had been detained by year's end.

The civilian justice system is a separate and independent branch of government that uses a Napoleonic legal system incorporating some accusatorial elements. The military justice system, which is part of the executive branch, also relies on a mixed system, although accusatorial aspects predominate.

On December 16, Congress approved constitutional changes designed to convert the current mixed judicial system into a purely accusatorial system. The reforms will go into effect in January 2005, prior to which major changes will have to be made to the penal, criminal procedure, and evidence codes. After that date, judges, rather than prosecutors, will issue arrest warrants and decide pretrial motions. Cases will be tried in open court and decided on the basis of oral trial proceedings, rather than an exhaustive written dossier. Prosecutor General Luis Camilo Osorio has predicted that the reforms will reduce the average investigatory phase of a case from 3 years to 6 months.

The judicial system was extremely overburdened. Based on information collected from 77 percent of the nation's courts, as of September the administrative chamber of the Supreme Council of the Judiciary (CSJ) reported that the civilian judiciary suffered from a backlog of at least 1,14 million cases, approximately 140,000 of them criminal. These backlogs had created large numbers of pretrial detainees (*see* Section 1.c.) In October, the President of the Council of State complained that the Council was facing a 6 to 8 year backlog. The Fiscalia reported that approximately 220,000 arrest warrants were still outstanding.

The civilian justice system is composed of four functional jurisdictions: civil, administrative, constitutional, and special. The civil jurisdiction is the largest jurisdiction within the civilian justice system, and handles all criminal, civil, labor, agrarian, and domestic cases involving non-military personnel. The civil jurisdiction is divided into 31 judicial districts, each containing at least one judicial circuit encompassing one or more municipalities. A superior tribunal serves as each district's court of appeals. The civil jurisdiction's 436 magistrates are distributed according to the population of each district. The lower circuit and municipal courts, each staffed by a judge, a court clerk, and perhaps a few administrative personnel, are the basic cells of the civil jurisdiction. In the smallest towns, a single "all-purpose" judge rules on all cases.

Specialized circuit courts within the civil jurisdiction try cases involving crimes designated as grave threats to the administration of justice, such as narcotics trafficking, terrorism, paramilitarism, torture, and money laundering.

The Supreme Court is the highest court within the civil jurisdiction and serves as its final court of appeals. In addition to hearing appeals from lower courts, the

Supreme Court has original jurisdiction in trials of the President, cabinet ministers, heads of independent government agencies, admirals and generals, and magistrates of the Supreme Court, Council of State, Constitutional Court, and CSJ.

The administrative jurisdiction of the civilian justice system is divided into 27 judicial districts with an equal number of tribunals. Each tribunal has from 1 to 23 magistrates, depending on the population of the district. Administrative actions such as decrees and resolutions may be challenged in the administrative jurisdiction on constitutional or other grounds. The Council of State is the highest court in the administrative jurisdiction and serves as the final court of appeals for complaints arising from administrative acts.

The Constitutional Court, which is charged with "safeguarding the integrity and supremacy" of the Constitution, is the sole judicial body comprising the constitutional jurisdiction of the civilian justice system. It rules on the constitutionality of laws, presidential decrees, and constitutional reforms. The Constitutional Court may also issue advisory opinions on the constitutionality of bills not yet signed into law, and randomly reviews the decisions of lower courts on "tutelas," or writs of protection of fundamental rights, which can be filed before any judge of any court at any stage of a judicial procedure as a legal defense of last resort. Courts must rule on the validity of a tutela within 10 days. Approximately 15,500 tutelas were before the Constitutional Court for possible review.

The final functional jurisdiction of the civilian justice system is the special jurisdiction. The special jurisdiction consists of the justice of the peace program, designed to encourage alternative dispute resolution at the municipal level, which has been implemented in less than 1 percent of the country's municipalities, and the indigenous jurisdiction, which grants indigenous leaders the right to exercise judicial functions on indigenous reservations in accordance with traditional laws (*see* Section 5.).

The CSJ is responsible for the administration and discipline of the civilian justice system. The CSJ is divided into two chambers: administrative and disciplinary. The administrative chamber supervises the civilian justice system's budget and determines its organization. The disciplinary chamber disciplines judicial officials and resolves jurisdictional clashes, such as those between the civilian and military justice systems.

The Supreme Court, the Council of State, the Constitutional Court, and the CSJ are four roughly coequal supreme judicial organs that often issue conflicting rulings and frequently disagree regarding jurisdictional responsibilities.

The Fiscalia is tasked with investigating criminal offenses and presenting evidence against the accused. The Supreme Court elects the Prosecutor General from a list of three candidates selected by the President. The Prosecutor General serves a 4-year term that overlaps two presidential administrations. The Office is independent of both the executive and judicial branches and is divided into national, regional, and local offices. The Office has its own corps of armed investigators known as the Corps of Technical Investigators (CTI). The Office has significant judicial functions; however, consistent with constitutional reforms passed in December, it will be converted by 2005 into a purely investigatory and prosecutorial agency.

The Prosecutor General created the Human Rights Unit in 1995. As of October, the Unit's 41 prosecutors had 1,369 open cases involving 1,618 suspects, including 173 members of the state security forces. The Human Rights Unit arrested 57 members of the state security forces during the year and filed charges against 25 for a variety of crimes including murder, torture, kidnaping, and collaboration with paramilitary groups. However, impunity continued to be very widespread.

In November HRW published "A Wrong Turn; the Record of the Colombian Attorney General's Office," a report that alleged that under the leadership of Prosecutor General Luis Camilo Osorio, the ability of the Fiscalia to investigate and prosecute human rights abuses had deteriorated. The report accused the Prosecutor General of failing to support prosecutors who worked on human rights cases by not providing adequate protection for justice officials whose lives were threatened and by the dismissal and forced resignation of veteran prosecutors and judicial investigators.

In its December response, the Human Rights Unit of the Fiscalia reported that for the first time in its history, Osorio had obtained a specific allotment in the national budget for the Unit. While it was true that 4 of the Unit's 41 prosecutors had been dismissed during the year, their replacements had equal or greater experience. Finally, the Unit was working hard to increase the protection available to prosecutors.

The Procuraduria investigates allegations of misconduct by public employees, including members of the state security forces. The Inspector General, whose term overlaps those of two presidents, is elected by the Senate to a 4-year term from a list of three candidates nominated by the President, Supreme Court, and Council

of State. During the year, the Procuraduria received 395 complaints of alleged serious violations of human rights by state agents, compared with 502 complaints in 2001. A total of 235 of these complaints were lodged against the army, 3 against the navy, 8 against the air force, and 149 against the National Police. Of these complaints, 380 were still under preliminary investigation, 14 had reached the stage of a formal disciplinary investigation, and 1 had resulted in the filing of formal charges. The Procuraduria imposes administrative sanctions that range from letters of reprimand to dismissal and permanent bans from public office. It has no authority to impose criminal sanctions, but can refer cases to the Prosecutor General. The Procuraduria referred all cases of human rights violations received during the year to the Prosecutor General for investigation and reported that that the majority of these cases were investigated by the Fiscalia.

The Office of the Human Rights Ombudsman, or Public Defender, employs 923 public defenders nationwide to provide the indigent with legal representation in criminal cases. However, as of December, these public defenders were required to manage over 70,000 cases. In addition, the Ombudsman's 34 departmental and regional offices throughout the country provide a legal channel for thousands of complaints and allegations of human rights violations (*see* Section 4). The Ombudsman, who reports to the Inspector General, is elected by the House of Representatives from a list of three candidates submitted by the President to serve a 4-year term that overlaps those of two presidents.

A criminal case begins with a preliminary investigation that can last up to 180 working days. If evidence is found linking a particular individual to a crime, the case moves into a formal investigative stage in which prosecutors have a maximum of 360 working days to file formal charges. Once formal charges are filed, the Government has 35 working days to bring a case to trial. Trials are open to the public. Judges question witnesses directly and determine the outcome of all trials. There are no juries.

The Constitution specifically provides for the right to due process. Nevertheless, as of November 30, the Human Rights Ombudsman's office had received 1,270 complaints of denial of due process. An accused is presumed innocent until proven guilty and has the right to timely consultation with counsel. Attorneys from the Ombudsman's Office are required to represent indigent defendants; however, representation for the indigent has historically been inadequate. During the year, an estimated 90 percent of indigent defendants received no assistance from a public defender. Defendants have the right to be present at proceedings against them, present witnesses and evidence on their own behalf, and confront and question prosecution witnesses. Defendants also have the right to review government evidence relevant to the case. Defendants have the right to appeal a conviction to a higher court. The Constitution extends these rights to all citizens.

The military justice system, as part of the Ministry of Defense, falls under the executive branch. To improve the accountability and independence of the military justice system, the military judicial code was amended in 2000 so that military prosecutors report directly to the director of the military justice system, rather than to their local unit commanders. The director of the military justice system reports directly to the civilian Minister of Defense. Nevertheless, impunity for members of the public security forces—particularly high-ranking officers—accused of human rights abuses or collaboration with paramilitaries remained a problem. Some military justice personnel investigating sensitive cases reported they were pressured to make particular rulings and threatened or harassed for not doing so.

The military justice system is composed of the Superior Military Tribunal, which serves as the court of appeals for all cases tried in the military justice system, and 40 military trial courts. The civilian Supreme Court serves as a second court of appeals for cases in which sentences of 6 years or more in prison are imposed. The military judiciary may investigate, prosecute, and try active duty military and police personnel for alleged crimes "related to acts of military service." Civil courts must try retired personnel, even for service-related acts committed before their retirement. The military penal code specifically defines forced disappearance, torture, and genocide as crimes not related to military service. Moreover, a presidential directive issued in 2000 raised "to the category of law" a 1997 Constitutional Court ruling that defined all serious violations of human rights as being unrelated to military service. The military penal code also provides protections to members of the public security services who may feel pressure from commanders to violate human rights. For example, the code denies unit commanders the power to judge subordinates and extends legal protection to service members who refuse to obey illegal orders to commit human rights abuses.

Criminal investigations by the military justice system are designed to be completed rapidly. By law an investigation may last a maximum of 180 working days,

after which a suspect must be brought to trial within 2 months. However, this rigorous timetable is suspended if a defendant appeals the court's jurisdiction or procedural rulings. This exception causes many cases in the military justice system to drag on for years. For example, jurisdictional appeals accounted for some of the delay in the military's investigation of the apparent air force bombing of the village of Santo Domingo, Arauca department in December 1998 (*see* Section 1.g.). The military justice system's formal investigation began in 2000, and was still in its investigatory phase when it was transferred to the civilian justice system in December.

Criminal procedure within the military justice system is similar to that within the civilian justice system, with the exception that the military justice system has already incorporated many accusatorial elements. Defendants are considered innocent until proven guilty and have the right to timely consultation with counsel. However, there is no military equivalent to the civilian public defender system; defendants generally must retain counsel at their own expense. Representatives of the civilian justice system—generally from the Procuraduria—have a right to be present at military trials.

The military judiciary demonstrated a willingness during the year to turn cases of military personnel accused of human rights violations or other criminal activities over to the civilian justice system. The Superior Military Tribunal reported that between August 1997 and December it voluntarily transferred 1,377 cases, 627 military and 750 police, to the civilian justice system. An independent review of the 627 cases involving military personnel revealed that 168 cases involved allegations of gross violations of human rights or collaboration with paramilitaries.

In September 2000, the President signed 12 decrees to reform and strengthen the military. The decrees sharpened the definitions, classifications, and punishments for crimes, required military officials to cooperate with civilian investigators who investigate such crimes, and mandated, with limited exceptions, the dismissal of service members convicted and imprisoned by either the civilian or military justice systems.

Presidential Decree 1790 of 2000 allows senior military commanders, at their discretion, to separate from service any uniformed members of the security services regardless of time of service. From October 2000 through the end of 2001, the military dismissed approximately 600 members; no figures were available on how many were discharged during the year under the authority of Decree 1790. No information was available from the MOD regarding the specific reasons for any of the dismissals, nor were the names of those dismissed made public. The MOD confirmed the claims of many human rights NGOs that a large number of those dismissed subsequently entered the ranks of illegal paramilitary groups.

When military officers were tried, convicted, and sentenced for human rights violations, they generally were not incarcerated in civilian prisons but were confined instead to their bases or military police detention centers, as permitted by law. Some performed administrative functions while incarcerated. The MOD reported, and the Fiscalia confirmed, that military and police prisoners charged by civilian prosecutors routinely were suspended from their duties and placed on half-pay. Officers and noncommissioned officers were removed from any command duties. Forty-one members of the military and 25 police officers reportedly were suspended at year's end.

To address concerns about escapes from improvised military detention facilities, in June a new high security military prison was inaugurated near Melgar, Tolima department. The civilian INPEC provided oversight of the military's management of the prison. Although the facility was designed to house up to 200 inmates, it was still not large enough to house all military prisoners, leaving some in facilities of questionable security.

The case of former General Jaime Humberto Uscategui, accused of failing to prevent a 1997 massacre in Mapiripan, Meta department, remained under investigation by the Fiscalia (*see* Section 1.a.). Although the Constitution dictates that generals accused of crimes related to acts of service must be tried by the Supreme Court, Uscategui would be tried by an ordinary criminal court because the crimes of which he was accused were unrelated to acts of service.

According to statistics provided by the CSJ, in cases of jurisdictional conflict between the military and civilian justice systems, the total number of cases assigned to military courts dropped from 50 percent in 1992 to 15 percent in 2000. Over the same period, cases assigned to civilian jurisdiction rose from 40 percent in 1992 to 60 percent. Between January and September, the CSJ ruled on 39 jurisdictional disputes between the civilian and military justice systems, assigning 16 cases to the civilian justice system, 5 cases to the military justice systems, and abstaining from ruling on 18 cases.

The Government stated that it did not hold political prisoners.

The ICRC had access to the approximately 3,000 prisoners accused of terrorism, rebellion, or aiding and abetting insurgency.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for the protection of these rights, and the Government generally respected them in practice; however, at times the authorities infringed upon them.

On August 8, President Uribe declared a "State of Internal Disturbance"—upheld by the Constitutional Court on October 2—that granted him expanded emergency powers with the potential to abridge individual rights. On September 10, President Uribe issued Decree 2002, which allowed members of the public security forces to perform arrests, searches, and wiretaps without a written warrant. Oral authorization from a judicial authority was still required, except in exigent circumstances. Arrests, searches, and wiretaps made without prior judicial authorization had to be fully justified within 24 hours. On November 26, the Constitutional Court struck down's Decree 2002's grant of police powers to the armed forces, ruling that only prosecutorial authorities may determine when privacy rights can be infringed in the interests of public safety. Decree 2002 also authorized the creation of special "Rehabilitation and Consolidation Zones" in which military authorities can exercise exceptional powers, including limiting civilian movements and temporarily commandeering private property and individual services. Two such zones were created during the year, one in the department of Arauca and another encompassing portions of Bolivar and Sucre departments. In its November 26 decision, the Constitutional Court overturned a provision granting the military authority to conduct censuses in these zones.

With the exception of exigent circumstances, the law generally requires a judicial order signed by a senior prosecutor for authorities to enter a private home without the owner's consent, even in Rehabilitation Zones. The MOD continued training public security forces in legal search procedures that comply with constitutional requirements and human rights standards.

Government authorities generally need a judicial order to intercept mail or monitor telephone conversations. This protection extends to prisoners. However, government authorities sometimes monitored telephone conversations without authorization.

An investigation by the Fiscalia continued into extensive illegal wiretapping of human rights NGOs by the Medellin GAULA (*see* Section 1.b.). Prosecutors also continued investigating the April 2001 killing of police officer Carlos Ceballos, who testified in the case (*see* Section 1.a.). The Procuraduria was conducting its own disciplinary investigation into Ceballos's killing.

The Government generally did not punish family members for alleged violations committed by their relatives. However, there were complaints that some family members of guerrilla leaders were falsely accused of crimes. For example, on July 16, DAS officials in Bogota arrested Javier Carvajalino, brother of FARC leader Jesus Emilio Carvajalino, alias Andres Paris. Javier Carvajalino, a respected attorney with the Bogota district office of the Human Rights Ombudsman's Office, was accused of conspiracy to commit terrorist attacks in the nation's capital. The arrest was criticized not only by human rights NGOs, but by government officials as well, and on November 20, Carvajalino was released from custody following a decision by a senior prosecutor to close the case for lack of evidence.

Paramilitaries illegally monitored private communications in attempts to identify guerrilla collaborators. They also forcibly entered private homes when searching for suspected guerrillas. Paramilitaries caused forced displacement. Paramilitaries harassed, threatened, and killed individuals because of their membership in leftist political organizations, and also threatened and killed family members of known guerrillas.

Guerrillas also arbitrarily interfered with privacy, home, and family rights. For example, guerrillas used wiretaps and accessed private bank accounts to select victims to extort and kidnap. Guerrillas also broke into private homes in search of kidnap victims. The FARC caused mass displacements of peasants and engaged in forced conscription, particularly of minors (*see* Sections 1.g. and 5).

Children were also among the preferred kidnaping targets of guerrillas (*see* Section 1.b.).

Guerrillas continued a policy of killing, attacking, and threatening off-duty police and military personnel, their relatives, and citizens who cooperated with them.

Former female guerrillas reported forced abortions and forced implantation of intrauterine devices (*see* Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The country's 40-year-old internal conflict—among government forces, several leftist insurgent groups, and a right-wing paramilitary movement nominally

supportive of the State—intensified during the year. The internal armed conflict, and the narcotics trafficking that both fueled it and prospered from it, were the central causes of violations of human rights and international humanitarian law. In her 2001 report, U.N. High Commissioner for Human Rights Mary Robinson noted that all sides in the conflict failed to respect the principles of humanitarian law. She said that "the conflict has deteriorated to such an extent that combatants are disregarding the most basic humanitarian precept—the defenseless civilian population and children continue to be the principal victims of these actions." For example, in November 2001, the World Food Program reported that armed groups had been hijacking trucks carrying deliveries intended for displaced children.

The Human Rights Ombudsman's Office stated in its 2001 report that women, who by and large remain socially and economically disadvantaged, continued to be affected disproportionately by violence, particularly in war zones (*see* Section 5). The Ombudsman's Office also noted a lack of government programs to address their problems. Female leaders of political and peasant organizations in various regions were the targets of abuse, threats, torture, and executions. Intrafamilial violence, sexual assault, and killing of women remained serious problems throughout the country (*see* Section 5). More than 30 percent of FARC combatants were female. Several observers criticized the use of female combatants in guerrilla organizations as sex slaves (*see* Sections 1.f. and 5).

Government security forces generally abided by international humanitarian law and respected human rights; however, some members of the security forces violated these standards and committed serious violations of human rights. Data gathered by CINEP indicated that during the first 6 months of the year, state security forces were responsible for the deaths of 30 civilians during combat operations. Paramilitary groups and guerrillas committed the great majority of abuses.

In December Amnesty International (AI) published "Colombia: Security at What Cost?", a report that alleged that the Government contributed to impunity by weakening the role of civilian human rights institutions, restricting the rights of civilians through security measures authorized by the declaration of a "State of Internal Disturbance" and Presidential Decree 2002, and drawing the civilian population into the internal conflict through policies such as its civilian informant program. The Government insisted it was not undermining civilian institutions and that enhanced security measures were necessary to establish a secure environment in which illegal armed groups could not infringe on human rights.

There were no reports during the year that the Government militarized public hospitals in conflict areas, which had increased the risk that the hospitals would become targets of guerrilla attack. There were no reports that the Government refused medical treatment to guerrillas. In 2000 the Constitutional Court ruled that state security forces could not maintain installations such as police stations next to schools, to avoid endangering the lives of students in case of guerrilla attacks; however, this practice continued in some communities.

Forced displacement is a crime; however, military counterinsurgency operations sometimes forced peasants to flee their homes and farms, and there was a very large population of IDPs (*see* Section 2.d.). NGOs and international governmental organizations sometimes blamed government negligence for large-scale displacements, as occurred in May in the department of Choco, where combat between the FARC and AUC along the Atrato River displaced at least 3,000 persons from the town of Bojaya and surrounding communities. The UNHCHR held the Government partly responsible for events at Bojaya, where 119 civilians died, since the Government appeared to have ignored warnings from the Catholic Church about large groups of paramilitaries traveling past military installations along the Atrato. On June 18, the Procuraduria opened a formal investigation into the conduct of the security forces before, during, and immediately after the Bojaya tragedy.

The ICRC reported that the Government, including military authorities, followed an open-door policy toward the ICRC. For example, in the weeks following the abolition of the former FARC "despeje," the ICRC was the only international organization granted access to the region. The military readily incorporated Red Cross curriculums on international humanitarian law in standard military training. However, impunity remained a problem. According to military sources, local commanders often transferred or discharged soldiers accused of serious human rights violations, rather than initiate legal proceedings. It remained unclear how many suspected human rights violators were investigated or prosecuted after being dismissed (*see* Section 1.e.).

There was still no decision by an army judge regarding the responsibility of members of an army unit for the 2000 shooting deaths of six children in the town of Pueblo Rico, Antioquia department. The Superior Military Tribunal returned the case for reconsideration in April 2001 following an initial ruling of innocence based

on findings that the children were caught in a crossfire between the army and ELN guerrillas. A decision by the Procuraduria was pending regarding a parallel disciplinary investigation of the case.

In October the Procuraduria ordered the dismissal of two air force pilots involved in the 1998 bombing of the town of Santo Domingo, Arauca department. The pilots, who at the time of the bombing were supporting army units engaged in combat with the FARC, were ruled to have acted negligently. On October 31, the Constitutional Court ruled that a parallel criminal case being handled by the military justice system should be transferred to civilian court. The air force refused to accept responsibility for the incident. On January 25, presumed paramilitaries shot and killed Angel Riveros, a witness in the Santo Domingo investigation and community leader in Arauca department.

Some members of the public security forces—principally enlisted personnel and noncommissioned officers—collaborated with or tolerated the activities of illegal paramilitaries. Reasons for collaboration or tolerance varied from ideological sympathy and perceived operational exigencies to corruption and participation in illegal paramilitary activities such as drug trafficking. On May 27, civilian law enforcement authorities arrested army Major Orlando Alberto Martinez for his alleged role in trafficking thousands of AK-47 assault rifles from Bulgaria to the AUC. On May 30, Martinez was dismissed from the armed forces based on the discretionary powers of Presidential Decree 1790 of 2000 (*see* Section 1.e.).

Civilian defense authorities and the military high command repeatedly emphasized official opposition to paramilitarism and the Government's commitment to combat paramilitaries and guerrillas with equal vigor. In the first 11 months of the year, public security forces killed 183 paramilitaries in combat and captured 1,214.

Paramilitaries were responsible for numerous violations of international humanitarian law and human rights. There were approximately 12,000 paramilitaries in the country, organized into several associations, the largest and most influential of which was the terrorist organization AUC. The AUC experienced a series of leadership crises during the year that led to its temporary breakup and a reduction in its membership. The largest of the paramilitary organizations that formally remained a part of the AUC was the United Self-Defense Forces of Cordoba and Uraba (ACCU), which operated in the northern part of the country and was led by the principal organizers of the AUC, Carlos Castano and Salvatore Mancuso.

Following a November 2001 statement by Castano promising an end to paramilitary massacres, the number of massacres committed by paramilitaries appeared to drop dramatically. However, paramilitaries still committed massacres and were responsible for many selective political killings (*see* Section 1.a.), which frequently involved kidnaping and torture (*see* Sections 1.b. and 1.c.). Paramilitary groups used terror as a tactic to take support away from guerrillas.

Paramilitaries forcibly displaced civilians residing along key drug and weapons transit corridors or suspected of harboring sympathies for guerrillas. For example, on August 18, approximately 400 armed paramilitaries arrived in the villages of San Francisco and Puerto Matilde, located in a FARC-dominated region along the Cimitarra river in the municipality of Yondo, Antioquia department. Approximately 600 persons were displaced. The Human Rights Ombudsman's Office reported receiving 1,528 complaints of forced displacement by paramilitaries as of October 31. Paramilitaries also prevented or limited the delivery of foodstuffs and medicines to towns and regions considered sympathetic to guerrillas, straining local economies and increasing forced displacement, particularly in the departments of Choco, Antioquia, Santander, Bolivar, Cesar, and La Guajira (*see* Section 2.d.). For example, in March, paramilitary violence and intimidation against persons transporting food and supplies to the town of San Jose de Apartado, in the Uraba region of Antioquia department, created a de facto blockade of the town.

Hundreds of civilians died during the year as a result of combat between paramilitaries and guerrillas. For example, the UNHCHR held the AUC partly responsible for the deaths of 119 civilians killed by a FARC cylinder bomb in Bojaya, Choco department, based on the fact that AUC fighters exposed the civilian population to danger by taking shelter in the town. Throughout the year, civilians in poor urban areas and rural districts were killed and wounded during exchanges of gunfire between illegal armed groups. For example, on May 30, four civilians in the "Veinte de Julio" neighborhood of Medellin, Antioquia department, were killed by stray bullets during a firefight between paramilitaries and leftist urban militias.

Paramilitaries failed to respect the injured and medical personnel. Doctors and hospitals suspected of treating guerrillas were frequently declared military targets. For example, on August 16, paramilitaries posing as patients killed nurse Amparo Figueroa at the local hospital in the town of Miranda, Cauca department. Figueroa's name figured on a paramilitary hit list of health care personnel accused of providing

medical care to guerrillas. The March 2001 paramilitary kidnaping and killing of a wounded ELN guerrilla being transported in a Red Cross ambulance led the ICRC to suspend the evacuation of wounded combatants. ICRC evacuations remained suspended throughout the year. On December 31, the AUC issued a written pledge that it would not attack ambulances, medical infrastructure, medical workers, and members of medical missions.

In anticipation of potential peace negotiations with the Government, the AUC declared a unilateral cease-fire beginning December 1. Several unaffiliated paramilitary groups agreed to abide by similar cease-fires. On December 16, Congress amended Public Order Law 418 of 1997, which authorizes the President to negotiate with "illegal armed groups", to allow negotiations with groups, such as paramilitaries, that had not been granted "political status" by the Government. On December 26, the Government named six individuals to a special "exploratory commission" that, in cooperation with Peace Commissioner Luis Carlos Restrepo, was to make contact with paramilitary groups that had expressed an interest in seeking peace with the Government. However, not all paramilitaries abided by the cease-fire, and some continued to commit serious violations of human rights.

Although paramilitaries continued to recruit minors throughout the year (*see* Section 5), in December the Central Bolivar Block released a total of 19 child soldiers into the custody of a humanitarian commission headed by the Colombian Family Welfare Institute (ICBF) (*see* Section 5).

The country's two largest left-wing guerrilla organizations are the 16,500 member terrorist organization Revolutionary Armed Forces of Colombia (FARC) and the 4,500 member terrorist organization National Liberation Army (ELN). While the FARC has grown larger and more prosperous in recent years, due to drug trafficking and the temporary security of the despeje, the ELN has been in steady decline. In many areas previously dominated by the ELN, the two guerrilla groups worked together to combat government forces and paramilitaries.

Both the FARC and the ELN systematically attacked noncombatants and violated citizens' rights through unlawful killings, kidnapings, and torture (*see* Sections 1.a., 1.b., and 1.c.). Guerrillas were responsible for a large percentage of civilian deaths related to the internal conflict. The Human Rights Ombudsman's Office reported that as of October 31, 63 percent of complaints it had received regarding violations of international humanitarian law related to abuses by guerrillas. The FARC alone accounted for at least 45 percent of these complaints. According to CINEP, guerrillas killed 1,243 civilians during the first 6 months of the year. CINEP attributed 1,115 of these deaths to the FARC, and 58 to the ELN. The Ministry of Defense attributed 916 civilian deaths, or 70 percent of total unlawful killings, to guerrillas (*see* Section 1.a.). The FARC continued to kidnap, torture, and killing off-duty soldiers and policemen as part of its openly acknowledged "Pistol Plan" (*see* Sections 1.a., 1.b., and 1.c.). Guerrillas also were responsible for attacks on religious and indigenous leaders and forcibly recruited minors (*see* Sections 1.g., 2.c., and 5).

Guerrillas failed to respect the injured and medical personnel. Both the FARC and ELN frequently executed wounded prisoners and threatened and killed doctors and nurses. On August 30, for example, a joint FARC/ELN unit attacked an ambulance outside the town of Morales, Bolivar department, seriously injuring three health care workers. On July 28, the ELN stopped an ambulance outside the town of Cravo Norte, Arauca department, killed the driver, and stole the medicine he was transporting. On December 31, the ELN issued a written communique in which it pledged not to attack ambulances, medical infrastructure, medical workers, and members of medical missions. According to the Free Country Foundation, guerrillas were responsible for the kidnapings of 29 doctors during the year, most for economic reasons (*see* Section 1.b.).

Guerrillas forcibly displaced peasants to clear key drug and weapons transit routes and remove potential government or paramilitary collaborators from strategic zones. For example, in early August the FARC forced the departure of at least 1,600 peasants from the village of Puerto Alvira, Meta department, which is located along the Guaviare river, a key transit route. The Human Rights Ombudsman's Office reported receiving 2,202 complaints of forced displacement by guerrillas, including at least 1,500 instances of forced displacement by the FARC. Guerrillas also blockaded communities in areas in which they exerted control. For example, following a major landslide in the San Lucas mountain range of Bolivar department that destroyed several small communities, the ELN prevented government officials and rescue teams from reaching the area for nearly a week. On December 30, near the town of San Lucas, eastern Antioquia department, the ELN declared that no vehicle would be allowed to enter or leave the town. The following day, less than a mile outside of town and despite the presence in San Lucas of significant numbers of police and army personnel, the ELN enforced its order by executing five truck drivers

who ignored its edict. Later on December 31, the ELN destroyed a major bridge linking San Lucas with the Medellin-Bogota highway.

Guerrillas used landmines to defend static positions such as base camps and drug labs and as indiscriminate weapons of terror. According to the Vice President's Office, landmines killed an average of two persons each day. There were approximately 100,000 landmines in use in the country, spread throughout 40 percent of the national territory. There were 155 land mine incidents through September 15, involving 459 victims, 107 of whom died. Fifty-five percent of these casualties were members of the Armed Forces. Guerrillas were responsible for over 90 percent of landmine incidents. In September the International Campaign to Ban Landmines singled out the FARC for criticism as one of the world's foremost users of landmines. The FARC disguised landmines as everyday items such as soccer balls and paint cans, and increasingly used plastic mines that could not be detected by standard minesweeping technology. Thousands of IDPs were unable to return to their homes because of fear of landmines (*see* Section 2.d.).

Combat between guerrillas and state security forces or paramilitaries resulted in thousands of civilian casualties. For example, on May 2, FARC forces launched an inaccurate gas cylinder bomb at AUC forces taking cover in the small town of Bojaya, located along the Atrato river in central Choco department. The bomb struck the town church, where approximately 300 civilians had sought refuge from the fighting, leaving 119 civilians dead, including 45 children, and at least 105 wounded. On May 20, the UNHCHR's country office held the FARC responsible for having fired the gas cylinder. On June 8, FARC commander Alfonso Cano was reported to have described the Bojaya attack as a mistake caused by the nature of warfare. On November 8, AI published a letter to FARC Commander Manuel Marulanda rejecting Cano's excuse and calling on the FARC to issue a statement promising to respect the right of the civilian population not to be drawn into the armed conflict.

According to the Ministry of Defense, as of November 30, guerrillas, particularly the FARC, and, to a lesser extent, the ELN, committed nearly 1,000 terrorist bombings. In the early morning hours of April 7, for example, a large car bomb exploded in a congested nightclub area of Villavicencio, Meta Department. The car bomb, which killed 11 and wounded at least 70, was detonated as a secondary device that targeted onlookers who arrived to see the results of a smaller explosion 5 minutes earlier. On October 22, a FARC car bomb exploded outside Bogota's metropolitan police headquarters, killing 3 persons and injuring at least 39. A similar bomb exploded outside another Bogota police station on December 9, injuring 35. On December 10, Bogota police seized four additional FARC car bombs capable of even greater destruction. On December 13, a powerful FARC bomb disguised as a briefcase exploded in a crowded restaurant on the 30th floor of an upscale residential and commercial complex in Bogota, wounding at least 30 persons. On December 21, the ELN detonated a large car bomb next to police headquarters in Cucuta, Norte de Santander department, killing four civilians.

The FARC also targeted particular individuals for bombings. On December 13, for example, a FARC book bomb exploded in the hands of Senator German Vargas, a strong supporter of President Uribe. Vargas lost a finger in the explosion. On August 20, a similar book bomb addressed to Prosecutor General Luis Camilo Osorio was intercepted by CTI agents before it reached him. The FARC also used other, more creative methods of bomb delivery, such as attaching explosives to mules and dogs, rigging lost wallets, and booby-trapping dead bodies. For example, on April 22, members of the FARC's 61st Front forced two children to lead a horse loaded with explosives toward a military checkpoint near the town of Acevedo, Huila department. The charge exploded prematurely, killing one of the children. On May 3, FARC guerrillas killed a 14-year-old boy, attached explosives to his body, and forced a civilian to drive it to an army barracks in Vista Hermosa, Meta department, where it was deactivated by military anti-explosives experts. On December 30, near Cerro Azul, southern Bolivar department, an army soldier lost a leg when he accidentally activated a FARC-rigged bomb attached to the body of a dead paramilitary fighter killed in FARC-AUC combat 5 days earlier.

Following the abolition of the despeje in February, the FARC intensified its systematic campaign to attack and cripple the nation's infrastructure. According to government figures, the FARC destroyed 483 electrical towers, costing the nation approximately $335 million (760.45 billion pesos) in repair costs and overall damage to the national economy. Large regions of the country were plunged into darkness for weeks at a time. The town of San Vicente del Caguan, former capital of the despeje, which depended on electrical pumps to draw water from underground wells, suffered particularly serious deprivation as threats of FARC violence discouraged private trucking companies from shipping in water, food, and other basic supplies.

As of September 30, the National Transportation Association reported that at least 75 buses had been hijacked and destroyed by guerrillas, resulting in a loss of at least $4 million (9.08 billion pesos).

The FARC, in conjunction with the ELN, also blew 74 holes in the nation's oil pipelines, resulting in a loss of approximately $225 million (510.75 billion pesos) in government revenue. Attacks on the oil infrastructure also caused significant environmental damage. On August 12, prosecutors formally charged 9 members of the ELN, including senior leader Nicholas Rodriguez, alias "Gabino", with murder for a 1998 oil pipeline bombing in Antioquia department that killed 84 persons. The FARC also destroyed 62 telecommunications towers and 100 bridges. In addition, the FARC committed 12 attacks against dams and aqueducts, the most notorious of which was its attempt to blow a hole in Chingaza Dam, Bogota's principal source of drinking water. Had the attack on Chingaza succeeded, it would not only have risked the water supply of the country's largest city, but also flooded and destroyed Villavicencio, a city with an estimated population of 300,000 and capital of the department of Meta.

In its November 8 letter to FARC commander Manuel Marulanda, AI expressed concern over the FARC's July 23 killing of Embera indigenous leader Bertuflo Domico in Dabeiba, Antioquia department (*see* Section 5). The letter also described the killing of several evangelical pastors, including Abel Ruiz on July 31, by presumed FARC members in San Vicente del Caguan, Caqueta department (*see* Section 2.c.). Amnesty, as it has in the past, criticized the recruitment of minors and the violence committed against women in the FARC (*see* Section 5). The letter called on the FARC and all armed groups in the country to respect the rights of noncombatants.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press and the Government generally respected these rights in practice; however, journalists regularly practiced self-censorship to avoid retaliation and harassment by various groups. Individuals criticized the Government both publicly and in private without fear of reprisal. The privately owned print media published a wide spectrum of political viewpoints and often sharply criticized the Government without fear of reprisals. Media ownership remained highly concentrated. Wealthy families or groups associated with one of the two dominant political parties consolidated their holdings of news media, and regional firms continued to purchase local news media outlets. As a result of the general economic downturn, large press conglomerates closed radio stations and newspaper offices in certain provinces and reduced staff. In September financial problems forced El Espectador, the nation's oldest newspaper, to change from a daily to a weekly publication. Economic problems and concentration of media ownership limited the media's resources, causing it to rely heavily on a smaller pool of advertisers, including the Government. The National Television Commission continued to oversee television programming throughout the year.

The Government did not use libel laws to suppress criticism or engage in direct or indirect censorship of the media. However, the media's reliance on government advertising revenues may have reduced its criticism of government actions and policies.

The Government did not assert "national security" to suppress views that were merely politically embarrassing or objectionable on other grounds. However, Reporters Without Borders criticized the presidential decree that created Special Rehabilitation and Consolidation Zones in highly conflictive areas that foreigners, including journalists, could enter only with special permission from government authorities. The organization stated that "the possibility of journalists being refused entry into the special zones is a flagrant violation of the Inter-American Human Rights Convention, whose article 13 guarantees freedom of movement for journalists." In accordance with a November 26 decision by the Constitutional Court, the Government announced that it would grant foreign press correspondents registered with the Government's international press office expedited authorization to visit Rehabilitation Zones. A ban on the publication of evidence pertaining to criminal investigations, based on secrecy provisions of the penal code and an anticorruption statute, also remained in effect.

Police or other public security forces generally did not subject journalists to harassment, intimidation, or violence. However, there were exceptions, as well as reports of threats against journalists from local officials accused of corruption. On January 30, unknown persons shot Orlando Sierra, deputy editor and columnist for La Patria newspaper in Manizales, Caldas department. He died on February 1. On May 9, Luis Fernando Soto was sentenced to 19 years in prison for the crime, but accept-

ed a plea bargain that reduced his sentence by 10 years. Two other persons were under arrest and awaiting trial. A joint investigation by seven prominent newspapers and magazines revealed that local politicians, whom Sierra had frequently accused of corruption, may have ordered his killing.

During the year, both paramilitaries and guerrillas intimidated, threatened, kidnaped, and killed journalists. According to information gathered by the International Federation of Journalists (IFJ) and the Colombian Foundation for Press Freedom (FLIP), at least 10 media representatives were killed, 75 threatened, and 12 kidnaped. At least four of the media representatives killed during the year were killed as a direct consequence of their work. The number of reported threats was believed to be low, since many targeted individuals did not report threats to government authorities or NGOs. Domestic and international NGOs and other international organizations reported self-censorship by the media due to threats from illegal armed groups. In May the Committee to Protect Journalists included the country on a list of the 10 worst places to be a journalist, noting that 29 journalists had been killed in the country in the last 10 years.

Paramilitaries regularly threatened journalists. For example, in an interview published in the July 8 edition of Santander department's Vanguardia Liberal daily, a paramilitary commander from the Middle Magdalena region threatened to execute journalists who published sensationalistic stories about paramilitary atrocities. In a July 29 communique, paramilitaries in the department of Arauca stated that "journalists, anchormen, correspondents, and media owners and managers" would be declared "military targets" if they failed to "live up to the responsibilities of their profession."

On March 21, El Espectador columnist Fernando Garavito went into exile abroad because of death threats, allegedly from paramilitaries. In his columns, Garavito had harshly criticized paramilitary groups, as well as then-presidential candidate Alvaro Uribe.

Paramilitaries were suspected of killing journalists. For example, on June 28, outside the city of Arauca in the department of the same name, presumed paramilitaries intercepted a vehicle driven by Efrain Alberto Varela, director of local radio station Meridiano 70. Despite the pleas of Varela's sister and brother-in-law, he was removed from the vehicle and killed. Six days before his death, he had denounced on the air the arrival of over 100 paramilitaries in the city of Arauca.

No progress appeared likely in an investigation by the Fiscalia into the September 2000 paramilitary killing of Carlos Jose Restrepo, publisher of a small newspaper in the department of Tolima and a former member of the now demobilized M-19 guerrillas.

In November a specialized criminal court in Bogota began receiving evidence in the trial of two hired killers suspected of killing journalist, comedian, and human rights activist Jaime Garzon in 1999. AUC leader Carlos Castano was being tried in absentia for his role in organizing Garzon's death.

On July 26, a specialized criminal court in Bucaramanga, Santander department, sentenced two paramilitaries to 19 years in prison for the 1999 murders of cameraman Luis Alberto Rincon and photographer Alberto Sanchez in the town of Playon.

The offices of the Prosecutor General and Inspector General were awaiting a ruling on their appeals of "not guilty" verdicts issued in favor of two paramilitaries accused of murdering newspaper editor Guzman Quintero in Valledupar, Cesar department, in 1999.

There were no developments in the investigation of the 2000 kidnaping and rape of journalist Jinet Bedoya by men identifying themselves as paramilitaries. No progress in the case appeared likely.

Guerrillas frequently threatened journalists. For example, in July the FARC's urban front operating in Cali, capital of Valle del Cauca department, sent a statement to the local office of the RCN media group accusing eight journalists of being "enemies of the people and defending the interests of the ruling oligarchy." The eight were warned to leave the city within 3 days or be killed.

Guerrillas also kidnaped journalists or held them against their will. For example, on February 19 and 20 near the village of El Currillo on the border between the departments of Putumayo and Caqueta, members of the FARC's 49th Front held foreign correspondent T. Christian Miller captive while they verified his press credentials. They released Miller after 24 hours in captivity. On August 6, near the town of Mistrato in the department of Risaralda, members of the FARC's Aurelio Rodriquez Front kidnaped three media representatives from the local El Tiempo Cafe newspaper and released them the next day. Most guerrilla kidnapings of journalists were brief.

Guerrillas also killed media representatives. For example, on July 11, members of the FARC abducted and shot Elizabeth Obando at a roadblock near the town of

Playa Rica, Tolima department. Obando died from her wounds on July 13. Obando, who was responsible for the distribution of regional newspaper El Nuevo Dia in the municipality of Roncevalles, had been involved in a public confrontation with a regional FARC leader who objected to a story in the paper criticizing FARC extortion, child soldier recruitment, and forced "agrarian reform" in the area.

Threats of violence drove at least 13 journalists into exile, joining five who had left the country in 2001. Former RCN journalist Claudia Gurisatti remained in exile because of FARC threats. Three suspects arrested for conspiring to kill her were released because of lack of evidence. Vice President Francisco Santos, former editor of the country's largest circulation newspaper, Bogota's El Tiempo, and founder of the Free Country Foundation, a prominent anti-kidnaping NGO, returned from exile to assume the responsibilities of the vice-presidency.

The authors of most threats and acts of violence against journalists remained undetermined. For example, no progress was made and little further progress seemed likely in investigations by the Fiscalia into the 2000 deaths of radio journalists Guillermo Leon and Alfredo Abad in Florencia, capital of Caqueta department.

In October the International Federation of Journalists opened an office in Bogota to monitor violence against the media and help provide assistance to local journalists. In 2000 the Inter-American Press Society had opened its own rapid action unit in Bogota to help the Fiscalia investigate crimes against journalists. The Ministry of Interior operated a program for the protection of journalists, established by an August 2000 presidential decree. During the year, the program provided protection to 41 journalists. The Ministry of the Interior also supported an alerts network organized for journalists by providing a small number of radios and an emergency telephone hot line. In October the Attorney General's office, in response to rising crimes against journalists, added 12 new prosecutors to its unit dedicated to investigating attacks against the press.

Domestic organizations that promoted freedom of the press included the Colombian Foundation for Press Freedom (FLIP) and Media for Peace.

The Government did not limit or block access to the Internet or censor websites.

The Government did not restrict academic freedom. However, paramilitary groups and guerrillas maintained a presence on many university campuses, aimed at generating political support for their respective campaigns and undermining support for their adversaries through both violent and nonviolent means. Paramilitaries threatened and killed university professors and students they suspected of leftist sympathies. For example, in 1999 the AUC took credit for killing a University of Antioquia student. Following the killing, the AUC released a list of other "subversive" students it demanded cease their "delinquent activities" or leave the university on pain of death. Several of these students withdrew. Paramilitaries have had their greatest influence in the north of the country, where in the last 7 years they are suspected of killing as many as 12 students and professors at the University of Atlantico, in Barranquilla, Atlantico department, and as many as 10 at the University of Cordoba, in Monteria, Cordoba department.

Leftist guerrillas used university campuses to plan, prepare for, and carry out terrorist attacks. On October 26, the Medellin metropolitan police discovered 332 explosive devices hidden on the campus of the University of Antioquia. The explosives were linked to an illegal student organization with ties to FARC urban militias. On November 20, a protest at the Industrial University of Santander (UIS), in Bucaramanga, turned violent, apparently after six members of the ELN infiltrated the demonstration against the university's new private security firm, which leftist students accused of participating in the Government's civilian informants program. One student was killed, and 10 students and 12 policemen were injured. On November 22, four mortar rounds launched from the campus of the National University landed on a grass field in front of the headquarters of the Fiscalia, wounding one passerby. At year's end, a government investigation had uncovered no evidence of student involvement in the attack.

Both paramilitary groups and guerrillas regularly threatened and killed public school teachers, particularly at the high school level. In November Minister of Education Cecilia Maria Velez reported that approximately 800 teachers, mostly in rural areas, were working under the shadow of death threats from illegal armed groups, particularly the FARC. According to the National Teacher's Union (FECODE), 83 teachers were killed during the year, most by paramilitaries. For example, on October 28, in the village of Media Luna, Pivijay municipality, Magdalena department, four alleged members of the AUC shot and killed Oscar David Polo at the entrance of the school where he taught. Four teachers were killed in this small municipality during the year, and 9 total in the department of Magdalena. A total of 14 teachers were killed in the department of Antioquia, more than in any other department.

Investigations continued into 1999 attacks against three prominent academics: Jesus Antonio Bejarano, a former government peace commissioner; Dario Betancur, head of the social sciences faculty of Bogota's Universidad Pedagogica; and Hernando Henao, an anthropologist who published on the subject of displaced persons. Prosecutors suspected the FARC of responsibility for Bejarano's death and the AUC of responsibility for killing Henao.

As a result of these and other incidents, many professors and students assumed a lower profile. Some universities banned extracurricular social activities that addressed controversial topics related to the internal armed conflict. Some academics went into voluntary exile.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice. The authorities normally did not interfere with public meetings and demonstrations and granted the required permission except when they determined that there was imminent danger to public order.

There were large demonstrations on many occasions by citizens throughout the country, some to repudiate terrorist activities, and others to protest government budget cuts and social policies. The authorities generally did not interfere. For example, on September 16, approximately 800,000 public employees throughout the country went on strike and held large marches in major cities to protest government-sponsored pension, labor, and tax reform bills. The protest was generally peaceful. However, the following day, government officials announced that employees whose positions were considered essential, such a firefighters and judges, would be sanctioned for having participated in the strike. Also, throughout the week of September 16 there were clashes between members of the public security forces and peasants conducting parallel mobilizations in rural areas to protest government agricultural programs and related policies. The security forces temporarily detained hundreds of peasants to enforce a government decree that prohibited impeding transportation on public highways. The Government claimed, and some peasants confirmed, that the FARC pressured some peasants into participating in the protests. On September 17, the Government expelled three Spanish citizens it claimed were inciting peasant protests (*see* Section 4).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Legal organizations are free to associate with international groups in their field. However, membership in proscribed organizations such as the FARC, ELN, EPL, and AUC is a crime. Freedom of association was limited in practice by threats and acts of violence committed by illegal armed groups against labor unions and NGOs (*see* Sections 4 and 6.a.).

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

Although there is no official state religion, most citizens were Roman Catholic and the Roman Catholic Church retained a de facto privileged status. Accession to a 1997 public law agreement with the State is required for non-Roman Catholic religions to minister to their adherents in public institutions, such as schools and hospitals. Although 12 Christian churches acceded to the agreement, the Government has not given a similar opportunity to hundreds of other mostly small, evangelical churches that received legal recognition after 1997. Protestant churches also complained that new zoning laws showed de facto favoritism toward Roman Catholicism, since most Roman Catholic cathedrals were constructed before zoning laws were instituted and were therefore exempt from the laws' requirements.

The Human Rights Unit of the Fiscalia reported that it was investigating 42 crimes believed to have been religiously motivated.

Paramilitaries sometimes harassed religious leaders and members, usually for political reasons.

On March 6, a court sentenced the convicted murderer of Roman Catholic priest Jorge Luis Maza and Spanish aid worker Inigo Egiluz to 31 years in prison. Nine alleged members of a paramilitary group arrested in connection with this crime were released for lack of evidence. The case was closed at year's end.

The FARC and ELN threatened and committed acts of violence against religious leaders and members, usually for political reasons, and inhibited the right to free religious expression in areas they controlled.

The Bishop's Conference of the Roman Catholic Church reported that illegal armed groups killed 11 Catholic priests during the year. The FARC is suspected of most of these killings. On January 12, Guillermo Leon Corrales, a Roman Catholic priest resident overseas who was visiting family, was killed in the town of La Estrella, near Medellin, Antioquia department. Several years earlier, Corrales had been threatened by members of a radical leftist student organization at the Medellin

high school where he taught. Another priest was confirmed killed by the FARC in the same region the following day. The Government was investigating the possibility that the killings were related.

On March 16, Isaias Duarte, Roman Catholic Archbishop of Cali, was killed as he left a church in a poor Cali neighborhood. On November 29, the Fiscalia indicted FARC 30th Front commander John Fredy Jimenez and a hired gunman for carrying out the crime. A second gunman had been killed in prison in May. Prosecutors also opened a formal investigation of seven members of the FARC Secretariat, including Pedro Antonio Marin, alias "Tirofijo," and Jorge Briceno, alias "Mono Jojoy," who they suspected ordered Duarte's killing to silence his blunt criticism of their criminal activities and insincerity in peace negotiations.

On July 13, two unknown assailants killed Sister Marta Ines Velez, director of the Marcelino Mothers Shelter in the town of Mogotes, Santander department. Sister Velez was the religious community delegate to the Mogotes community assembly, an organization whose efforts to promote peace won the town the country's 1998 National Peace Prize.

On October 20, the army foiled a plot by the FARC to kidnap Francisco Javier Munera, the Roman Catholic Bishop of Florencia, Caqueta department. After the army learned of the plot, Bishop Munera was moved to a different location.

On November 11, FARC guerrillas kidnaped Jorge Enrique Jimenez, president of the Latin American Bishops Conference and Bishop of Zipaquira, Cundinamarca department, along with parish priest Desiderio Orjuela. On November 15, members of the armed forces rescued the two churchmen.

According to the Christian Union Movement (MUC), an association of evangelical Christian churches, 32 Protestant pastors had been killed as of November 30. According to the MUC, 93 pastors had been killed since 1994. The FARC was believed responsible for 90 percent of the killings of Protestant pastors. FARC threats and violence forced the closure of hundreds of evangelical churches, particularly in the southwestern part of the country. According to the MUC, the FARC targeted Protestant pastors and church members for political, rather than religious, reasons.

In August FARC guerrillas shot and killed Pentecostal clergyman Abel Ruiz in San Vicente del Caguan, Caqueta department, capital of the FARC's former despeje. On July 14, FARC guerrillas shot and killed Jose Vicente Flores, another United Pentecostal Church minister, in the same church.

On October 17, near the town of Anserma, Caldas department, ELN guerrillas executed Bishop Gabriel Arias, Vicar of Armenia, Quindio department, while Arias was on a humanitarian mission to plead for the release of former Quindio governor Ancizar Lopez, the victim of an ELN kidnaping.

Authorities failed to capture the FARC's Arley Leal and Milton de Jesus Tonal, who were suspected of the 1998 killing of Roman Catholic priest Alcides Jimenez in Putumayo. The Procuraduria continued to investigate possible government negligence in failing to prevent the killing.

Investigations continued into the March 2000 killing of Roman Catholic priest Hugo Duque in Supia, Caldas department, and the March 2001 killing of Protestant pastor Onofre Hernandez in Arauca City, Arauca department. There appeared to be little likelihood of progress in either case.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to travel domestically and abroad, and the Government generally respected this right in practice; however, there were exceptions. For example, in areas where counterinsurgency operations were underway, police and military officials often required civilians to obtain safe-conduct passes. In special Rehabilitation and Consolidation Zones established by presidential decree, travel was restricted and persons were sometimes detained for up to 24 hours so that officials could conduct identification checks as provided by law. Paramilitaries and guerrillas used similar means to restrict travel in areas they controlled. The Government implemented curfews in conflict zones. Outsiders who wished to enter indigenous reservations had to be invited.

Throughout the year, roadblocks erected by paramilitaries guerrillas, and peasant farmers inhibited transportation, communication, and commerce (*see* Sections 1.g. and 2.a.). Social organizations also resorted to blocking roads to protest government actions or policies (*see* Section 2.b.). Almost every major artery was closed at some point during the year. There were numerous reports of members of indigenous communities, particularly in Putumayo, being forbidden to leave their communities without either paramilitary or FARC permission, and in which paramilitaries and guerrillas blockaded communities.

The U.N. High Commissioner for Refugees (UNHCR) reported that 5,086 Colombians registered as refugees in Ecuador, Panama, and Venezuela. An additional 3,995 Colombians requested asylum in Ecuador, the neighboring country with the most liberal asylum policy. Hundreds of Colombians also fled to Costa Rica. There were few reports of the forced return of refugees from Panama, Ecuador, or Costa Rica, although most refugees received little assistance. There continued to be reports that refugees were forcibly repatriated from Venezuela.

In April the Constitutional Court upheld a May 2000 law that criminalized forced displacement; however, there was a large population of IDPs caused by forced conscription and incursions by paramilitaries and guerrillas, battles between illegal armed groups, and military counterinsurgency operations that displaced peasants from their homes and farms.

Both paramilitaries and guerrillas used forced displacement to gain control over disputed territories and to weaken their opponents' base of support. Authorities sometimes encouraged civilian populations to move back to their homes before security situations had normalized, or civilians returned before it was advisable.

In August 2001, the U.N. Special Coordinator on Internal Displacement characterized the country's internal displacement problem as "acute." According to the UNHCR, the country ranks second among countries with the largest IDP populations. The Government estimated that there were 350,000 new displaced persons during the year, a significant increase from 2001. According to the Consultancy for Human Rights and Displacement (CODHES), a human rights NGO specializing in displacement issues (*see* Section 4), 353,000 civilians were displaced during the first 9 months of the year. If CODHES's statistics were accurate, and displacements continued at the same rate during the last 3 months of the year, over 400,000 persons were displaced during the year, an increase of at least 50,000 over 2001. Precise numbers of IDPs were difficult to obtain, since some were displaced more than once and many did not register with the Government or NGOs. The FARC and the ELN discouraged IDPs from registering with the Government through force, intimidation, and disinformation. Guerrilla agents masqueraded as IDPs to sow doubt and discontent among the displaced population. The Government's IDP service agency, the Social Solidarity Network (RSS), reported a significant increase in the number of municipalities affected by displaced populations. According to government figures, since 1996 over 927,000 citizens had registered as IDPs. CODHES estimated that over 2 million persons were displaced over the same period. The RSS worked with the UNHCR, CODHES, and the Bishop's Conference of the Roman Catholic Church to develop a system for providing more accurate estimates of IDPs; however, they had yet to reach agreement on such a mechanism.

CODHES stated that some persons have been displaced for as long as 10 years, but it could not define a typical timeframe. CODHES estimated that 65 percent of displacements became permanent, while the ICRC placed the figure at 50 percent. The U.N. Thematic Group, an intersectoral working group composed of U.N. agencies, government agencies, and NGOs, reported that state agents were responsible for less than five percent of displacements during the year. Paramilitaries, on the other hand, were responsible for 55 percent, and guerrillas for 40 percent.

The vast majority of IDPs were rural peasants displaced to cities, where many had difficulty integrating into society. Many displaced persons settled on the outskirts of large cities such as Bogota, Bucaramanga, Medellin, and Cartagena, where conditions were overcrowded and unsanitary. Poor neighborhoods were overwhelmed by a need for basic public services. According to CODHES, 57 percent of IDPs were women, 22 percent were female heads of household, and 70 percent were under the age of 19. In July UNHCR reported that 72 percent of all IDPs were women and children. Some families fled or remained displaced to avoid the forced recruitment of their children by guerrillas (*see* Sections 1.f. and 5). Thousands of IDPs were unable to return to their homes because of the presence of antipersonnel mines (*see* Section 1.g.). Displaced women and girls were particularly vulnerable to domestic violence and sexual abuse and exploitation (*see* Section 5). PAHO reported that only 65 percent of displaced households had access to health services through the general social security system, and that many could not afford the required co-payment, despite the fact that it was as low as 15 percent of a person's total medical expenses. UNICEF estimated that only 68 percent of displaced children attended school. Malnutrition among displaced children was common. According to the UNHCR, more than one-third of IDPs were indigenous or Afro-Colombian.

The Government was unable to provide sufficient humanitarian assistance to the displaced, despite statutes and court rulings requiring it to do so. Although conditions for IDP communities varied in different regions, conditions for displaced persons in many locations were poor and unhygienic, with little access to health care, and few educational or employment opportunities. Government assistance for the

displaced was provided principally through the RSS, the Colombian Family Welfare Institute (ICBF), and the Ministry of Health. However, the Government itself acknowledged that the ICRC and various NGOs provided 70 to 80 percent of humanitarian assistance received by the displaced. Most displaced persons received emergency humanitarian assistance from the ICRC, the RSS, or NGOs for only 90 days, although some IDPs received it for longer, and others never received any aid. The ICRC provided emergency assistance to 200,000 displaced persons during the year. The local office of the UNHCR, which is headquartered in Bogota and has four field offices throughout the country, worked to strengthen the Government's ability to address the IDP crisis. In June the UNHCR expanded to Antioquia department a project begun in 1999 to provide identification documents to IDPs. More than 52,000 persons had received documents under the project since its inception.

On December 21, the police removed an organized group of 106 IDPs from the former headquarters of the ICRC in Bogota. It appeared that the squatters departed voluntarily after having been warned that if they did otherwise, they would be forcibly evicted. Many of the IDPs already owned homes through a government-sponsored subsidy program. Those who did not own homes were lodged in a local hotel at government expense until other accommodations were found. Prior to the IDPs' expulsion, at least 200 others had either moved to their subsidized homes or found other long-term solutions that allowed them to leave the ICRC's former headquarters.

The Constitution provides for the right to asylum under terms established by law in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The country has a tradition of providing asylum dating from 1920s. The Government reserves the right to determine eligibility for asylum, based upon its own assessment of the nature of an applicant's claim. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution. According to the U.S. Committee for Refugees, 207 recognized refugees resided in the country. During the year, 9 persons applied for asylum. Three applications were rejected, and six were pending at year's end.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Presidential elections are held every 4 years, with the incumbent barred from reelection. Members of Congress are also elected to 4-year terms. Governors, mayors, and other local officials are elected to 3-year terms. Congressional and presidential elections were held in March and May, respectively. The last elections for local officials took place in October 2000.

On March 10, voters elected a bicameral legislature with a mix of Liberal, Conservative, and independent members. On May 26, voters elected independent Alvaro Uribe President. Both elections were generally free and fair, in spite of a concerted campaign by terrorist organizations such as the FARC to disrupt them. The Liberal and Conservative parties often negotiated with members of smaller, independent parties to form working coalitions. In the House, the Liberal Party held on to 58 seats, while the Conservative Party held 21. The remaining 87 seats were filled by candidates from some 40 different "independent" political movements, some loosely affiliated with the Liberal and Conservative parties. In the Senate, Liberals took 31 seats, Conservatives took 13, indigenous candidates took 2 constitutionally mandated seats, and independents filled the remaining 56 seats.

Political parties generally operated freely without government interference. Parties that fail to garner 50,000 votes in a general election lose the right to present candidates and receive government funds. However, they may reincorporate at any time by presenting 50,000 signatures to the National Electoral Board. Suffrage is universal and voluntary for citizens age 18 and over, except for active duty members of the police and armed forces, who are prohibited from voting. Civilian public employees, although eligible to vote, are not allowed to participate in partisan politics.

The congressional and presidential elections, conducted under unprecedented levels of state security, were generally free and fair, despite attempts by paramilitaries and guerrillas to interfere in the political process. However, the National Electoral Commission invalidated 17,000 votes based on evidence of fraud, annulling the victories of five Senators-elect. In areas dominated by paramilitaries, such as the department of Cordoba and urban areas of the Middle Magdalena region, paramilitaries gathered community leaders—sometimes by force—to instruct them on acceptable candidates. However, despite paramilitary boasting that they elected 35 percent of the legislature, election results revealed that candidates reportedly en-

dorsed by paramilitaries consistently lost in regions dominated by these groups. For example, in the city of Barracabermeja, where paramilitary influence was widely acknowledged, all candidates reportedly endorsed by paramilitaries lost the elections by wide margins.

Guerrillas conducted a systematic campaign of violence designed to disrupt and discredit the national elections. The FARC attempted to assassinate Alvaro Uribe when he was a candidate more than 12 times, including a major bomb attack on April 14 in the coastal city of Barranquilla that left 3 dead and 13 injured, including 10 civilians. The FARC threatened to kill civic leaders and residents of towns in which most voters cast their ballots for Uribe, and successfully prevented thousands of peasants in rural areas from going to the polls. Nevertheless, in FARC influenced regions, such as the department of Caqueta, Uribe won by a large margin. In retaliation for Uribe's first round election victory, on June 5 the FARC killed Luis Carlos Caro, the mayor of Solita, a town in Caqueta department that voted overwhelmingly for Uribe. In an attempt to destabilize the country prior to Uribe's inauguration, the FARC extended its threats to all local elected officials throughout the country, resulting in the submission of resignations by 399 mayors nationwide. Another 300 mayors were obligated to carry out their responsibilities by telephone and messenger from relatively secure department capitals. Many city council members and municipal workers also resigned, halting the provision of public services in many municipalities. In total, the FARC killed 9 mayors and 70 city councilmen during the year. On inauguration day, the FARC launched a rocket attack on the presidential palace; however, most of the 15 rockets missed their target and fell in a slum near the palace, killing 23 persons, including 3 children.

The FARC also committed aggressions against threatened mayors' families. In July the FARC killed Omar Castano, the son of Jose Leonel Castano, mayor of the town of Vista Hermosa, Meta department, formerly part of the FARC despeje. Omar Castano had been kidnaped June 28. His body was not returned. The FARC kidnaped several mayors' children to pressure the mayors into resigning. For example, on July 17, members of the FARC kidnaped the 3-year-old daughter of Libardo Herazo, mayor of Colon, Putumayo department. The girl and her nanny were released on July 31, after Herazo publicly announced his resignation.

The AUC initially threatened to retaliate against mayors who resigned in the face of FARC intimidation, but stepped back from this policy in June as announced in a letter to the Colombian Federation of Municipalities.

The FARC kidnaped politicians in an attempt to force the Government into a prisoner exchange. For example, on February 23, the FARC kidnaped independent presidential candidate Ingrid Betancourt (*see* Section 1.b.). Three days earlier, the FARC had kidnaped Senator Jorge Eduardo Gechem (*see* Section 1.b.), Chairman of the Senate Peace Commission, during an airplane hijacking. The FARC continued to hold captive an additional four members of Congress (*see* Section 1.b.).

Both the AUC and the FARC claimed to operate clandestine political movements: the AUC's National and Democratic Movement, launched in September 2001, and the FARC's Bolivarian Movement for a New Colombia, announced in April 2000. The status of these movements was uncertain, although their influence appeared minimal.

In municipalities that lacked a state security presence and in poor urban neighborhoods both guerrillas and paramilitaries sought to impose control and garner political support using measures along a spectrum from social cleansing killings (*see* Sections 1.a., 1.d., and 5) to donations of labor and materiel for community projects.

There are no legal and few practical restrictions on the participation of women and minorities in the political process. In March 2000, a quota law went into effect requiring that a minimum goal of 30 percent of nominated positions be allocated to women. The quota law does not apply to publicly elected positions or managers of parastatal corporations. The Government must report to Congress each year on the percentage of women in high-level governmental positions. The new Uribe administration increased the number of women in significant executive branch posts. There were 8 women in the 18-member cabinet, including the Ministers of Defense and Foreign Relations and the High Commissioner for Plan Colombia. There were also 7 female vice ministers. Women occupied 11 seats in the 102-member Senate and 20 seats in the 161-member House of Representatives. There was 1 woman on the 23-member Supreme Court and another on the 9-member Constitutional Court. Two of the 13 magistrates on the CSJ were women. According to the Government's 2001 end-of-year report, 75 women served as city mayors and 1 as a departmental governor.

Indigenous persons made up less than two percent of the population. There were three indigenous Senators, two of whom occupied seats reserved for indigenous persons, and one indigenous member of the House of Representatives. In 2000 citizens

of the department of Cauca elected the nation's first indigenous governor. There were no indigenous ministers or vice-ministers and no indigenous person served on any of the nation's high courts.

Approximately 21 percent of the population was of Afro-Colombian descent. There were two Afro-Colombian Senators and five Afro-Colombian members of the House of Representatives. However, there was no Afro-Colombian minister or vice minister and no Afro-Colombian on any of the nation's high courts. There were 70 Afro-Colombian mayors. A disproportionate percentage of the country's displaced persons were Afro-Colombians who had difficulty participating in the political process.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, many prominent human rights monitors worked under constant fear for their physical safety. Government officials were generally cooperative and responsive to their views; however, lingering suspicions on both sides sometimes made cooperation difficult. Over 60,000 human rights and civil society NGOs were registered in the country. Most existed only on paper. Approximately 1,000 small to medium-sized NGOs were members of the Colombian Federation of NGOs. The Truth for Colombia ("Verdad Colombia") group was a relatively new association of small, right wing human rights NGOs. The most significant domestic human rights NGOs included: the Colombian Commission of Jurists (CCJ) and Lawyers' Collective Jose Alvear Restrepo, both of which focused on defending human rights through legal analysis and case work; the Jesuit-founded Center for Popular Research and Education (CINEP), which managed the country's largest and most influential database of human rights violations; the Permanent Committee for the Defense of Human Rights (CPDDH), which provided support and assistance to victims of human rights violations and worked to organize civil society to defend human rights and promote a peaceful resolution to the country's armed conflict; the Committee in Solidarity with Political Prisoners (CSPP), which focused on the rights and treatment of persons detained for politically motivated crimes, particularly left-wing subversion; the Association of Families of Detained and Disappeared Persons (ASFADDES), the country's leading voice in demanding justice for the disappeared, many of whom were active in the legitimate left-wing Patriotic Union (UP) political party; the Consultancy for Human Rights and Displacement (CODHES) which advocated policies designed to prevent displacement and defended the rights of the displaced; the Association for Alternative Social Promotion (MINGA), which sought to promote respect for human rights through education, research, lobbying, and legal assistance (MINGA received the French Republic's Liberty, Equality, Fraternity Prize for Human Rights during the year); the Peace Network (Redepaz), a civil society organization dedicated to the promotion of peace at the national, regional, and local level; and the Free Country Foundation, which provided psychological, legal, and public relations assistance to kidnap victims and their families and lobbied the Government for better anti-kidnaping efforts.

On October 23, President Uribe sent various foreign ambassadors a letter in which he promised to guarantee the rights of NGOs to work in the country and argued that his policy to retake the national territory would ensure freedom of speech and human rights in the long term. He stressed that the active participation of civilians was necessary to reestablish public order. Uribe said the judicial powers decreed in the State of Internal Disturbance were needed to tackle impunity and were legitimate, having been upheld by the Constitutional Court. He said he had stressed to the armed forces that they must respect human rights and operate within the norms of international treaties.

Although the Government generally did not interfere with the work of domestic human rights NGOs, there were unconfirmed reports that government security forces harassed or threatened human rights workers, particularly in highly conflictive areas. Vice President Francisco Santos, whose office directs the Presidential Program for the Protection of Human Rights, told the press that NGOs would not be harassed. Prominent local NGOs made an effort to be fair and objective in their analysis of a serious and complex human rights situation. However, their coverage of human rights abuses tended to focus on the Government and right-wing paramilitaries, rather than leftist guerrillas. For example, the Colombian embassy in Canada, noted that only 3 of 5,000 letters generated in 2001 by alerts disseminated by Colombian human rights groups specifically condemned the FARC.

Local human rights NGOs had an influence that far exceeded their membership or resources. By sharing information among themselves and disseminating it to international human rights organizations and the media they raised the country's

human rights profile and contributed to significant levels of international attention. They were also effective at changing laws and policies through lawsuits, such as the CCJ's participation in a successful challenge to the National Defense and Security Act of 2001, or the Free Country Foundation's effective lobbying for stronger, more cohesive government anti-kidnaping efforts. Representatives of a wide variety of government agencies found it useful or politically necessary to meet with local human rights groups and study their proposals.

The Government has occasionally filed criminal charges against human rights advocates, generally for subversive activities. For example, on December 6, CTI agents in Bucaramanga, Santander department, arrested Julio Avella and Alvaro Tapias, President and Treasurer, respectively, of the National Association of Solidarity Assistance (ANDAS), an NGO arm of the Colombian Communist Party, for allegedly providing financial assistance to the FARC. Arrest warrants were still outstanding for Carlos Mejia and Gladys Rojas, former directors of a small NGO in Barrancabermeja that in August 2001 organized a major international human rights event. Mejia and Rojas, who remained in hiding, were charged with rebellion for acts prior to their NGO organizing activities. Government officials sometimes have accused human rights NGOs of being guerrilla front organizations without providing evidence to back up their charges.

Under the authority granted by the President's declaration of a State of Internal Disturbance, law enforcement authorities searched the offices of a number of NGOs. Most searches focused on the headquarters of small, local NGOs; however, on October 25, police raided and searched the Bogota office of the Permanent Assembly for Peace, a large, well-regarded NGO umbrella organization. Justifying the search by reference to emergency powers granted under the State of Internal Disturbance, police officials failed to secure a prosecutor's written approval before entering the building. The raid, which was widely condemned in the country and abroad, uncovered no evidence of illegal activity.

In December the Fiscalia, finding that there was insufficient evidence to bring formal charges, closed its investigation into accusations that retired army Generals Fernando Millan and Rito Alejo Del Rio bribed a witness to testify falsely against two leading NGO organizers and a labor leader (*see* Section 1.a.).

The Fiscalia continued to investigate the illegal wiretapping of NGO and labor unions offices by the Medellin GAULA (*see* Section 1.f.).

Paramilitaries subjected human rights groups to intense pressure in the form of obvious surveillance, harassing telephone calls, graffiti campaigns, and death threats.

For example, in August the "Cacique Calarca" bloc of the AUC, which operated in the country's coffee belt, circulated a statement in the departments of Quindio and Risaralda that accused 13 human rights and labor leaders by name of being guerrilla agents. In addition, the statement declared the 13 persons military targets and gave them 15 days to leave the region. On September 15, Augustin Jimenez of the CSPP received an anonymous call that told him that a coworker had been killed and that he would be next. The AUC repeatedly and explicitly threatened the CSPP.

Paramilitaries were implicated in the deaths of human rights and development workers. For example, on November 8, Jose Rusbell, a member of the Joel Sierra Human Rights Committee, was killed by presumed paramilitaries in the city of Tame, Arauca department. The IACHR specifically condemned Rusbell's killing and asked the Government to undertake an exhaustive investigation. According to the CCJ, 17 human rights advocates were killed during the year, although only two such deaths could be definitively attributed to paramilitaries.

An investigation continued into the August 2000 killing of peace activist and former mayor Luis Fernando Rincon in Aguachica, Cesar department. Human rights groups publicly accused alleged paramilitary leader Libardo Humberto Prada of the crime. On January 16, the criminal chamber of the Valledupar Supreme Court overturned a 2001 trial court ruling exonerating Prada for the 1998 killing of local Redepaz coordinator Amparo Leonor Jimenez, and sentenced him to 37 years in prison.

There was no information on the whereabouts of Angel Quintero and Claudia Patricia Monsalve, members of ASFADDES who were kidnaped in 2000 by presumed paramilitaries. Authorities continued to investigate the kidnaping, although the victims were presumed dead.

Prosecutors issued arrest warrants for AUC leader Carlos Castano and suspected paramilitary Yesid Fernando Lemus for the 1999 kidnapings and murders of southern Bolivar department peasant leaders Edgar Quiroga and Gildardo Fuentes.

Arrest warrants remained outstanding for Carlos Castano and four other paramilitaries for the 1997 murders of two CINEP workers (*see* Section 1.a.). Imminent arrests appeared unlikely.

The Government, through the Ministry of the Interior and the DAS, allocated approximately $11.4 million (28.5 billion pesos) to its program for the protection of human rights and labor activists associated with 88 different human rights NGOs and unions. As of August 30, the Ministry, bolstered by a budget increase of 690 percent over 2000, had provided protection measures to 890 human rights activists and bulletproofed 54 NGO offices and residences. Nevertheless, legitimate requests for protection far outpaced the increase in the protection program's budget. Human rights groups continued to state that the protection programs were inadequate to address the crisis, and called for increased efforts to combat impunity.

The Government generally did not interfere with the work of international human rights and humanitarian NGOs. Representatives of international human rights groups visited the country and held meetings with local human rights groups and individuals in various regions of the country without government interference. The larger international NGOs, such as AI, HRW, and the Washington Office on Latin America (WOLA), devoted equal attention to government forces, guerrillas, and paramilitaries; however, they held the Government to a higher standard and criticized it not only for direct violations of human rights, but also for its failure to completely sever links between the military and paramilitaries and prevent high levels of political violence.

The Government deported several representatives of smaller international human rights groups for violations of immigration law. For example, in August and October, the DAS ordered five members of Christian Peacemaker Teams, a small group that provided humanitarian accompaniment in the highly conflicted Middle Magdalena region, to depart the country for carrying out activities inconsistent with their tourist visa status. On September 17, the DAS ordered one Spanish citizen to depart the country and formally deported two others for allegedly inciting peasants to participate in a national labor strike (*see* Section 2.b.).

The Government cooperated with international governmental organizations. The UNHCR, the International Organization for Migration (IOM), the International Labor Organization (ILO), the United Nations High Commission for Human Rights (UNHCHR), and the ICRC had an active presence in the country and were allowed to carry out their work without government interference.

UNHCHR's Bogota office opened at government invitation in 1997; it has since added field offices in Cali and Medellin. The office monitored and analyzed the national human rights situation and provided advice and assistance on human rights protection. President Uribe extended UNHCHR's mandate in the country through the end of his administration in 2006.

The Government has an extensive human rights apparatus coordinated by the Office of the President's Advisor for Human Rights. The Office conducted regular dialog with local human rights groups and established a Special "Momentum" Committee to advance judicial resolutions of 100 key human rights cases. Executive branch offices specializing in promoting and protecting human rights include the human rights office of the Ministry of Interior and the human rights offices of the Ministry of Defense and its constituent services, including the National Police.

The MOD reported that over 290,000 members of the security forces had received human rights training since 1996, conducted by the ICRC, the Colombian Red Cross, the Roman Catholic Church, foreign governments, and other government offices and agencies. In September 2001, the MOD signed an agreement with two national universities and the Inter-American Institute of Human Rights to conduct research and training on human rights issues and to organize seminars designed to foster dialog with NGOs and academics.

Offices of independent government agencies that protect and promote human rights include the Procuraduria's Disciplinary Delegate for the Defense of Human Rights, the Human Rights Unit of the Fiscalia, and the Office of the National Human Rights Ombudsman. The House of Representatives elects the National Human Rights Ombudsman for a 4-year term, which does not coincide with that of the President. The office has the constitutional duty to ensure the promotion and exercise of human rights. The Ombudsman's 34 regional offices provided public defenders to the indigent and a channel for complaints of human rights violations (*see* Section 1.e.). The Ombudsman's Bogota office served as the headquarters of a national Early Warning System designed to alert public security forces to impending human rights violations, particularly large-scale massacres. The Ombudsman's office was an important party to the lawsuit that successfully challenged the National Defense and Security Act of 2001 that was ruled unconstitutional in April. In August 2000, the House of Representatives confirmed former Constitutional Court Jus-

tice Eduardo Cifuentes as Human Rights Ombudsman. Cifuentes was active in his role, publicly criticizing a wide variety of human rights violations, visiting massacre sites, and pressing for increased security and humanitarian assistance for affected communities. His office, with international assistance, provided training for its regional ombudsmen and conducted public education on human rights. Despite the Ombudsman's successes, resource constraints meant the office was generally underfunded and understaffed, limiting its ability to effectively monitor human rights violations or prevent their occurrence.

As of October 31, the Human Rights Ombudsman's office had processed 6,781 complaints of violations of human rights and international humanitarian law, of which 3,747 involved forced displacements, 1,743 involved threats, 411 involved unlawful killings, and 191 involved kidnapings.

Illegal armed groups sometimes targeted regional human rights ombudsmen. Four paramilitaries were on trial for the January 2001 murder of regional human rights ombudsman Ivan Villamizar in Cucuta, Norte de Santander department (*see* Section 1.a). The Fiscalia was investigating the FARC's July 2000 kidnaping and killing of Jose Manuel Bello, municipal human rights ombudsman in Vigia del Fuerte, in the Atrato region of western Antioquia department. The office also was investigating the July 2000 killing of Yemil Fernando Hurtado, human rights ombudsman in Narino municipality in southeastern Antioquia.

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

The Constitution specifically prohibits discrimination based on race, sex, disability, language, or social status; however, in practice, many of these provisions were not enforced. The killing of homosexuals as part of so-called social cleansing campaigns, particularly by paramilitaries, was a problem (*see* Section 1.a.).

Women.—Rape and other acts of violence against women were pervasive in society, and like other crimes, seldom were prosecuted successfully. According to the Ombudsman's 2001 report, intrafamilial violence, sexual assault, and the killing of women were increasing problems. The ICBF and the Presidential Adviser's Office for Youth, Women, and Family Affairs continued to report high levels of spousal and partner abuse throughout the country. The Institute for Forensic Medicine reported 28,738 cases of spousal abuse for the year. There were 6,519 cases of domestic violence against women by other family members. The Institute reported 10,062 cases of suspected sex crimes, including rape. The Institute commented that the crimes of domestic violence and rape were greatly underreported, citing its 1995 survey that indicated that as few as 5 percent of these crimes were reported, and that only 2 percent of victims received a medical evaluation. The ICBF conducted programs and provided refuge and counseling for victims of spousal abuse; however, the level and amount of these services were dwarfed by the magnitude of the problem. For example, each of the ICBF's 527 family ombudsmen handled approximately 1,230 cases per year.

The 1996 Law on Family Violence criminalized violent acts committed within families, including spousal rape. The law also provides legal recourse for victims of family violence, immediate protection from physical or psychological abuse, and judicial authority to remove the abuser from the household. It allows a judge to oblige an abuser to seek therapy or reeducation. For acts of spousal sexual violence, the law mandates sentences of 6 months to 2 years and denies probation or bail to offenders who disobey restraining orders issued by the courts.

A 1997 law also made additional, substantial modifications to the Penal Code and introduced sentences of between 4 and 40 years for crimes against sexual freedom or human dignity, including rape, sex with a minor, sexual abuse, induction into prostitution, and child pornography. The June 2000 reforms to the Penal Code reduced the maximum sentence for violent sexual assault from 20 to 15 years; the minimum sentence is 8 years. The ICBF's "Make Peace" program provided support to women and children who were victims of domestic violence. Under the auspices of the same program, the Human Rights Ombudsman's office conducted regional training workshops in various cities to promote application of domestic violence statutes.

Women faced an increased threat of sexual assault in the context of the internal conflict (*see* Section 1.g.). The UNHCHR, CODHES, and the Human Rights Ombudsman all noted that internally displaced women and girls were particularly vulnerable to domestic violence, sexual abuse, and sexual exploitation (*see* Section 2.d.). In August 2001, the Colombian Pro-Family Institute published a study of sexual health and reproduction in displaced women and adolescents that found that 20 percent of displaced women had been raped and that 30 percent of displaced teenage girls had children or were pregnant. International organizations and NGOs noted that sexual violence was largely unreported and that no long-term assistance was

available to female IDPs. In addition, they criticized the use of female combatants in guerrilla organizations as sex slaves. Former female guerrillas also reported forced abortions and forced implantation of intrauterine devices (*see* Section 1.g.).

Prostitution, which is legal in designated "tolerance zones," was widespread and remained a serious problem exacerbated by a poor economy and internal displacement. Sex tourism existed to a limited extent, particularly in coastal cities such as Cartagena and Barranquilla. It was likely that some marriage and dating services were covers for sexual tourism.

Trafficking in women for sexual exploitation continued to be a problem (*see* Section 6.f.).

The law prohibits sexual harassment; however, it was a pervasive problem.

The Constitution prohibits discrimination against women, and specifically requires that authorities ensure "adequate and effective participation by women at decision making levels of public administration." However, discrimination against women persisted. A 2000 study by the University of Rosario concluded that women faced hiring discrimination, were disproportionately affected by unemployment, and had salaries that were generally incompatible with their education and experience. Government unemployment statistics indicated that the unemployment rate for women was 20.5 percent, 6 points higher than the rate for men. According to the U.N., women earned an average of 28 percent less than men during 2001. Female workers in rural areas were most affected by wage discrimination and unemployment.

Despite an explicit constitutional provision promising additional resources for single mothers and government efforts to provide them with training in parenting skills, women's groups reported that the social and economic problems of single mothers remained great. According to a 1997 Constitutional Court decision, pregnant women and mothers of newborn children less than 3 months of age may not be fired from their jobs without "just cause." The court ruled that bearing children was not just cause. There were no published reports of such firings during the year.

Children.—Constitutional and legislative commitments to the protection of children's rights were implemented only to a minimal degree. The Constitution imposes an obligation on the family, society, and the state to protect children, foster their development, and ensure the full exercise of their rights. The Children's Code describes these rights and establishes services and programs designed to enforce the protection of minors. Children's advocates reported the need to educate citizens regarding the code as well as the 1996 and 1997 laws on family violence, which increased legal protection for women and children. The ICBF oversees all government child protection and welfare programs and also funds nongovernmental programs that benefit children. Despite these legal protections and programs, government commitments to the protection of children's rights were not fully implemented.

The Constitution provides for free public education, which is compulsory between the ages of 6 and 15; however, a study by the National Department of Statistics (DANE) estimated 14 percent of children ages 5 to 17 did not attend school because of lax enforcement of truancy laws, inadequate classroom space, and economic pressures for children to provide additional family income. Although the Government covered the basic costs of primary education, many families faced additional expenses such as matriculation fees, books, school supplies, and transportation costs, which were significant in rural areas where many children lived far from school. These costs were often prohibitive, particularly for the rural poor.

The law requires the Government to provide medical care for children. However, medical facilities were not universally available, particularly in rural areas.

Child abuse was a serious problem. The National Institute for Forensic Medicine reported 8,125 cases of child abuse during the year. According to the Association Against Child Abuse, only 5 percent of child sex abuse cases were reported. Based on figures from the Government's Institute for Legal Medicine, which reported 11,000 cases of child sexual abuse during the year, the Association estimated that at least 220,000 children were sexually abused during the year.

According to UNICEF, an estimated 35,000 adolescents worked as prostitutes, in spite of legislation prohibiting sex with minors or the employment of minors for prostitution.

Children were trafficked for sexual exploitation (*see* Section 6.f.).

In conflict zones, children often were caught in the crossfire between public security forces, paramilitaries, and guerrillas. For example, on June 16, a crossfire between paramilitaries and a mixed contingent of FARC and ELN fighters killed a 9-year-old boy outside his home near the rural village of Aguas Lindas, southern Bolivar department. Landmines and abandoned munitions killed and maimed scores of children. According to the Presidential Program for Human Rights, landmines injured at least 20 children during the year. For example, on June 9, a 15-year-old

boy was killed after stepping on a landmine outside the town of Cajibio, Cauca department. On September 19, three children in a lower class section of Bogota were killed when the fragmentation grenade with which they were playing exploded. The grenade apparently had been discarded by members of a FARC urban militia that operated in the neighborhood.

Children suffered disproportionately from the internal conflict, often forfeiting opportunities to study as they were displaced by conflict and suffered psychological traumas. According to UNICEF, over 1 million children have been displaced from their homes over the past decade (*see* Section 2.d.). The Human Rights Ombudsman's office estimated that only 15 percent of displaced children attended school. Displaced children were particularly vulnerable to mistreatment, sexual exploitation, and recruitment by criminals.

Since 1999, persons under the age of 18 are not allowed to serve in the public security forces. However, both paramilitaries and guerrillas employed child soldiers. The ICBF estimated that 12,000 to 15,000 children were members of illegal armed groups. Sixty percent of these children were members of the FARC. The Roman Catholic Church stated that the FARC used its freedom of action in its former despeje, or safe haven, to lure or force hundreds of children into its ranks. Thousands of families from FARC-prevalent zones throughout the country chose to be displaced rather than risk the forcible recruitment of their children. For example, many former-displaced residents of Bojaya, Choco department chose to leave their teenage children in Quibdo, the departmental capital, to avoid their forced recruitment by the FARC. The FARC was believed responsible for the January 11 killing in Caldas department of a Roman Catholic priest who had complained to authorities in the departmental capital of Manizales about FARC recruitment at a local high school. On August 2, the Fiscalia filed charges against senior FARC leaders for the recruitment of minors. As a good will gesture in anticipation of possible peace negotiations with the Government (see section 1.g.), in December paramilitaries from the Central Bolivar Bloc, formerly members of the AUC, handed over 19 child soldiers to representatives of the ICBF and the Colombian Red Cross.

Although many minors were forcibly recruited, a UNICEF study found that 83 percent of child soldiers volunteered. Limited educational and economic opportunities and a desire for acceptance and camaraderie increased the appeal of service in armed groups. Nevertheless, many children found membership in guerrilla and paramilitary organizations difficult, and the MOD reported an increase in the number of minors deserting illegal armed groups. As of July, at least 230 children had surrendered to state security forces during the year. FARC child deserters reported that local guerrilla commanders threatened to kill their families should they desert or attempt to do so. A reinsertion program for former child soldiers administered by the ICBF provided assistance to 332 children during the year.

Children were among the preferred kidnaping targets of guerrillas (*see* Section 1.b.). The Free Country Foundation reported 384 kidnapings of children during the year (*see* Section 1.b.).

Persons with Disabilities.—The Constitution enumerates the fundamental social, economic, and cultural rights of persons with physical disabilities. However, serious practical impediments prevented the full participation of these persons in society. No legislation mandates that buildings provide special access for persons with disabilities. Consequently, the disabled could not access most public buildings and transportation systems; however, the Constitutional Court ruled that persons with physical disabilities must have access to voting stations and receive assistance if they so request. The Court also ruled that the social security fund for public employees cannot refuse to provide services for children with disabilities, regardless of the cost involved.

Indigenous Persons.—There are 82 distinct ethnic groups among the country's 716,400 indigenous inhabitants, who constitute approximately 2 percent of the population. Indigenous communities are concentrated in the Colombian Massif of the Andes Mountains, in southern Cauca department, along the lowlands of the Pacific Coast, on the Guajira peninsula, and in the Amazon region. According to the National Organization of Colombia's Indigenous (ONIC), 93 percent of indigenous persons live in rural areas, and approximately 115,000 indigenous persons are without land.

The Constitution gives special recognition to the fundamental rights of indigenous persons. The Ministry of Interior, through the Office of Indigenous Affairs, is responsible for protecting the territorial, cultural, and traditional rights of indigenous persons. Ministry representatives were located in all regions of the country with indigenous populations and worked with other governmental human rights organizations and NGOs to promote indigenous interests and investigate violations of indige-

nous rights. Despite legal protections, indigenous persons continued to suffer discrimination and were often relegated to the margins of society. UNHCHR's March 2001 report noted that an estimated 80 percent of the indigenous population lived in conditions of extreme poverty. In addition, indigenous communities suffered disproportionately from the internal armed conflict (*see* Section 1.g.). Members of indigenous communities often fled together in mass displacements to relocate to other indigenous communities (*see* Section 2.d.).

By law, indigenous groups have perpetual rights to their ancestral lands. According to the National Agrarian Reform Institute (INCORA), 28 percent of the national territory has been legally recognized as indigenous land, and approximately 80 percent of these lands have been demarcated. The Institute was involved in a program to buy back lands declared to belong to indigenous communities. Approximately 200 indigenous communities had no legal title to lands that they claimed. Armed groups often violently contested indigenous land ownership. Traditional Indian authority boards operated approximately 545 reservations as municipal entities, with officials selected according to indigenous traditions. The boards controlled reservation finances and were subject to fiscal oversight by the national Comptroller General. Sixty percent of the indigenous population lived on these designated reservations.

In July Occidental Petroleum turned over oil exploration rights to areas near the U'wa reservation in Arauca department to national parastatal corporation Ecopetrol. Although the U'wa tribe had strenuously opposed exploration near its reservation, the courts consistently overruled U'wa legal efforts to prevent it. Occidental's decision was economic, but Ecopetrol stated that it planned to continue exploration in the area. In December the U'wa stated that they would not oppose exploration by Ecopetrol.

The Constitution provides for special criminal and civil jurisdictions within indigenous territories based on traditional community laws (*see* Section 1.e.). However, these jurisdictions were subject to manipulation and often rendered punishments that were much more lenient than those imposed by regular civilian courts.

The law permits indigenous communities to educate their children in traditional dialects and in the observance of cultural and religious customs. Indigenous men are not subject to the national military draft.

Members of indigenous communities continued to be victims of all sides in the internal conflict. According to the MOD, 73 indigenous persons were killed during the year as a result of the internal armed conflict, 29 in massacres. The UNHCHR strongly criticized both paramilitary and FARC threats against indigenous communities and characterized government investigations of human rights violations against indigenous groups as insufficient. ONIC reported widespread cases in which members of indigenous communities, particularly in Putumayo, were forbidden to leave their communities without either paramilitary or guerrilla permission, in which paramilitaries or guerrillas blockaded communities, or in which indigenous persons returning from urban areas were accused by guerrillas of being paramilitary collaborators.

Paramilitaries and guerrillas forced indigenous persons, including children, into their ranks (*see* Section 1.f.).

Paramilitaries killed indigenous persons (*see* Section 1.a.). For example, in June, the Cauca Regional Indigenous Council condemned the paramilitary killings of 10 indigenous persons near the towns of Corinto and Pradera, northern Cauca department, and Florida, southern Valle del Cauca department. In August paramilitaries ordered the killing of three indigenous leaders near La Hormiga, Putumayo department.

Guerrillas also killed indigenous persons. For example, on July 27, the FARC killed Embera leader Bertulfo Domico in the town of Dabeiba, western Antioquia department. Domico was apparently killed for leaving the city without the local FARC commander's permission. On October 4, FARC guerrillas killed Embera Katio tribe member Adolfo Cundama in front of his family on a designated indigenous reservation near Tierralta municipality, Cordoba department. The FARC accused Cundama of collaborating with paramilitaries.

National/Racial/Ethnic Minorities.—According to the National Planning Department, the country had approximately 10.6 million citizens of African heritage. The departments with the largest number of Afro-Colombians were Valle, Antioquia, Bolivar, Atlantico, Magdalena, and Cordoba. However, the department of Choco had the highest percentage of Afro-Colombian residents, at 85 percent. Although estimates vary, government figures indicated that Afro-Colombians represented approximately 21 percent of total population.

Afro-Colombians are entitled to all constitutional rights and protections; however, they faced significant societal discrimination. Afro-Colombian organizations reported that Afro-Colombians had almost no representation in the executive branch, judicial

branch, civil service positions, or in military hierarchies (*see* Section 3). The March 2001 report of the UNHCHR noted that an estimated 80 percent of Afro-Colombians lived in conditions of extreme poverty, that 74 percent received wages below the legal minimum, and that their municipalities had the highest rates of poverty. Choco had the lowest per capita level of social investment and ranked last in terms of education, health, and infrastructure. Although a special law designed to benefit Afro-Colombians was passed in 1993, little concrete progress had been made on the law's commitments to expand public services and private investment in Choco and other predominantly Afro-Colombian regions along the country's coastline.

Choco was also the scene of some of the country's worst political violence, as paramilitaries and guerrillas struggled for control of the department's key drug and weapons smuggling corridors. All 119 civilians killed in a FARC cylinder bomb attack on the town of Bojaya, in Choco, were Afro-Colombians (*see* Section 1.g.).

A 1993 law authorizes Afro-Colombian communities to receive collective titles to some Pacific coastal regions. Afro-Colombian leaders complained that the Government was slow to issue land titles, and that access to such lands was often inhibited by the presence of paramilitaries or guerrillas. Afro-Colombians were disproportionately represented among the nation's IDPs.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to organize unions, except for members of the armed forces, police, and persons executing "essential public services" as defined by law. In practice, violence against union members and antiunion discrimination were obstacles to joining unions and engaging in trade union activities. Labor leaders around the country continued to be targets of attacks by paramilitary groups, guerrillas, and narcotics traffickers. Union leaders contended that perpetrators of violence against workers operated with virtual impunity.

The heavily amended 1948 Labor Code provides for automatic recognition of unions that obtain 25 signatures from potential members and comply with a simple registration process. However, the ILO has received reports that this process is slow and sometimes takes years. The law penalizes interference with freedom of association and allows unions to determine freely their internal rules, elect officials, and manage activities. The law also forbids the dissolution of trade unions by administrative fiat. Law 584 limits government interference in a union's right to free association. However, the law includes a provision authorizing Ministry of Labor officials to compel trade unions to provide interested third parties with relevant information on their work, including books, registers, plans, and other documents. The ILO Committee of Experts considers this amendment to be inconsistent with freedom of association, since it believes an administrative authority only should conduct investigations when there are reasonable grounds to believe that an offense has been committed.

Labor leaders nationwide continued to be attacked by paramilitaries, guerrillas, and narcotics traffickers. According to the National Labor College (ENS), a Medellin-based NGO that collects, studies, and consolidates information on organized labor, 178 labor activists were killed during the year and 1,875 since 1991. The ENS attributed a majority of these crimes to paramilitaries. Paramilitaries were particularly aggressive in targeting members of the United Workers Central (CUT), the country's largest and most left-leaning labor federation. For example, authorities suspected paramilitaries of killing Hernan de Jesus Ortiz and Jose Pineda in the municipality of Aranzazu, Caldas department on April 12. Ortiz, a local teacher's union (FECODE) leader, was also a member of the CUT's national board and an active participant in its human rights office, which regularly condemned paramilitary abuses. Pineda was a member of the CUT-affiliated Colombian Electricity Workers Union (SINTRAELECOL). Paramilitaries also continued their attacks on members of the Oil Workers Trade Union (USO), which they accused of ties to the ELN. For example, paramilitaries were suspected of the June 17 killing of USO national board member Cesar Blanco in Bucaramanga. In June AI testified to the ILO that paramilitaries also targeted public sector unions, particularly health workers.

The Fiscalia continued investigating crimes perpetrated against union leaders in previous years for which paramilitaries were believed responsible. For example, investigations continued into the killings of labor activists Valmore Locarno, Victor Hugo Orcasita, Gustavo Soler, Ricardo Orozco, and Oscar Dario Soto. On the whole, government identification of perpetrators of crimes against trade union members was slow, a situation which the ILO Special Representative's June report noted was aggravated by the difficulties faced by the Procuraduria and the Fiscalia in carrying out their inquiries and offering adequate assurances of protection so that witnesses

would be willing to come forward. Of the 116 killings of labor union members documented as of September, there were no arrests, prosecutions, or convictions at year's end. The Human Rights Unit of the Fiscalia reported that from August 1986 to April, there were 376 criminal investigations into violations of the right to life of unionists. Of these, 321 were in the preliminary stage, 24 were at the investigative stage, 3 were at the trial state, 7 had been sent to military criminal courts, and 13 were awaiting assignment. Guilty verdicts were issued in only five cases.

Progress was made in several high profile investigations. For example, on December 17, a specialized criminal court in Bogota sentenced former army Captain Jorge Rojas and former army Sergeant Evangelista Basto to 18 years in prison for the attempted killing of public employee union (FENALTRASE) president Wilson Borja in December 2000. Rojas and Basto had been in active service when the crime occurred, but were dismissed from the military during the course of the criminal investigation. The court also convicted army Corporal Jhon Fredy Pena of conspiracy and sentenced him to 42 months in prison. On November 19, the Fiscalia reconfirmed its August 16 decision to permanently close its investigation into the alleged involvement in the crime of Police Lieutenant Carlos Fredy Gomez. A separate trial continued of army Major Cesar Alonso Maldonado and civilian Regulo Rueda for their alleged involvement in the plot to murder Borja. On July 31, the DAS arrested AUC leader Sergio Manuel Cordoba, a suspect in the 2001 killing of USO leader Aury Sara. On September 21, the army arrested AUC leader Didimo Rodriguez, wanted for the October 2001 killing of labor leader Luis Manuel Anaya. On October 19, prosecutors indicted Edgar Armando Daza for alleged involvement in the 1998 murder of CUT Vice President Jorge Luis Ortega. On May 4, a Bogota judge sentenced Rafael Cespedes to 27 years in prison for Ortega's murder. Prosecutors also indicted a paramilitary suspect for the 2001 murder of labor leader Jose Luis Guete.

In its evaluation of antiunion violence, the ENS also noted a significant increase in crimes against union activists committed by guerrillas. For example, on April 26, the FARC massacred nine members of the Agricultural Workers Union (SINTRIANAGRO) near Apartado, in the Uraba region of Antioquia department. Uraba was hotly contested between guerrillas and paramilitaries. The ENS attributed the deaths of at least 19 union activists to the FARC.

In addition to the many union activists who were killed, the ENS also reported that 17 union members survived attempts on their lives, 189 were threatened with death, 26 were kidnaped, and 8 disappeared.

The most prominent release of a kidnaped union leader occurred on April 7, when the AUC freed USO leader Gilberto Torres after 40 days in captivity.

In an attempt to ameliorate the security risks confronting union leaders, the Government significantly increased the resources it devoted to the Program for the Protection of Human Rights Defenders and Trade Union Leaders. Between 2000 and the year the Program's budget increased nearly 700 percent, to nearly $11.5 million (28.5 billion pesos). However, the UNHCHR has expressed concern over delays in transferring and making available funds allocated to the program, affecting the timely and effective implementation of security measures. As of August, the program had assisted 1,195 union leaders and activists, who, depending on a threat evaluation, received bulletproof vests, bodyguards, and, in some cases, vehicles. Trade unionists and human rights groups criticized the protection program because these increased measures were insufficient to protect adequately the large number of trade unionists who were threatened. For example, in March 2001 Valmore Locarno and Victor Orcasita, employees of Drummond Coal Company and local president and vice-president of mine workers union SINTRAMIENERGETICA, were killed by presumed paramilitaries after having been assessed as "medium to low" risk. Six months later the new president of the same union, Gustavo Soler, also was killed.

At the November ILO Governing Body meeting, the ILO's Committee on Freedom of Association reported that measures adopted by the Government had been insufficient to reduce the violence directed against trade union officials. The Government had not reported any convictions of individuals for the killing of trade unionists. The ILO Governing Body decided by consensus to postpone to its March 2003 meeting any consideration of appointing a "Fact-Finding and Conciliation Commission." The workers proposed a Commission of Inquiry in 1998, and that proposal was pending.

The law forbids antiunion discrimination and the obstruction of free association. However, according to union leaders, both discrimination and obstruction of free association occurred frequently. There were only 271 government labor inspectors to cover 1,098 municipalities and more than 300,000 companies. The inspection apparatus was therefore weak. Furthermore, labor inspectors often lacked basic equipment, including vehicles. Guerrillas sometimes deterred labor inspectors from performing their duties by declaring them military targets. In some cases,

paramilitaries threatened and killed union members who failed to renounce collective bargaining agreements.

The Labor Code calls for fines to be levied for restricting freedom of association.

Unions are free to join international confederations without government restrictions and did so in practice.

b. The Right to Organize and Bargain Collectively.—The Constitution protects the rights of workers to organize and engage in collective bargaining. Workers in large firms and public services have been most successful in organizing, but these employees represented only a small percentage of the workforce. High unemployment, a large informal economic sector, traditional antiunion attitudes, and weak union organization and leadership limited workers' bargaining power in all sectors. A requirement that trade unions must represent a majority of workers in each company as a condition for representing them in sectoral agreements also weakened workers' bargaining power.

According to the ENS, there were 2,482 registered unions, with a total of 860,281 members. The number of unions and union members continued to decline during the year, as it had in previous years. Approximately 5 percent of the labor force was unionized. The CUT encouraged unions to merge along industry lines to increase their efficiency and bargaining power.

The number of workers covered by collective bargaining agreements has been gradually declining. According to the ENS, 223,670 workers were employed under collective bargaining agreements during the period 2000–2001, compared with 409,918 during the period 1994–95.

Collective pacts between individual workers and their employers are not subject to collective bargaining and typically were used by employers to obstruct labor organization. Although employers must register collective pacts with the Ministry of Labor, the Ministry does not exercise any oversight or control over them.

The Labor Code eliminated mandatory mediation in private labor-management disputes and extended the grace period before the Government can intervene in a conflict. Federations may assist affiliate unions in collective bargaining.

The Constitution provides for the right to strike, except for members of the Armed Forces, Police, and persons executing essential public services as defined by law.

Before staging a legal strike, unions must first negotiate directly with management and, if no agreement results, accept mediation. The Labor Code prohibits the use of strikebreakers. Legislation that prohibits public employees from striking is still in effect, although it often is overlooked. By law public employees must accept binding arbitration if mediation fails; however, in practice public service unions decide by membership vote whether or not to seek arbitration.

The ILO had a number of long-standing criticisms of the Labor Code: the requirement that government officials be present at assemblies convened to vote on a strike call; the legality of firing union organizers from jobs in their trades once 6 months have passed following a strike or dispute; the requirement that candidates for trade union offices must belong to the occupation that their union represents; the prohibition of strikes in a wide range of public services that are not necessarily essential; various restrictions on the right to strike; the power of the Ministry of Labor and the President to intervene in disputes through compulsory arbitration when a strike is declared illegal; and the power to dismiss trade union officers involved in an unlawful strike.

On September 16, the three main labor federations called a national work stoppage to protest the Government's proposed labor and pension reforms. In March USO conducted a strike to protest the killing of one USO member and the kidnaping of Gilberto Torres. In May and June, 7,000 employees at Telecom, the leading telecommunications company, went on strike over wage levels and work rules.

Labor law applies in the country's 15 free trade zones (FTZs), and its standards are enforced.

c. Prohibition of Forced or Bonded Labor.—The Constitution forbids slavery and any form of forced or bonded labor, and there were no reports of such practices in the formal sector.

Paramilitaries and guerrillas practiced forced conscription (*see* Section 5). There were some reports that guerrillas used forced labor.

The law prohibits forced or bonded labor by children; however, the Government does not have the resources to enforce this prohibition effectively (*see* Section 6.d.). Although there were no known instances of forced child labor in the formal economy, several thousand children were forced to serve as paramilitary or guerrilla combatants (*see* Sections 1.f. and 5), to work as prostitutes (*see* Section 5), or as coca pickers.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution prohibits the employment of children under the age of 14 in most jobs, and the Labor Code prohibits the granting of work permits to children under 18; however, child labor remained a significant problem, particularly in the informal sector. According to the National Department of Statistics (DANE), nearly 15 percent of children were employed, over half of whom received no remuneration. DANE reported that only 1 percent of child workers received the minimum wage.

A 1989 decree established the Minors Code and prohibited the employment of children under age 12. It also required exceptional conditions and the express authorization of the Labor Ministry to employ children between the ages of 12 and 17. Children under age 14 are prohibited from working, with the exception that those ages 12 and 13 may perform light work with the permission of their parents and appropriate labor authorities. Children ages 12 and 13 may work a maximum of 4 hours a day, children ages 14 and 15 may work a maximum of 6 hours a day, and children ages 16 and 17 may work a maximum of 8 hours a day. All child workers are prohibited from working at night, or performing work where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. Children are prohibited from working in a number of specific occupations, including mining and construction; however, these requirements largely were ignored in practice, and only 5 percent of working children possessed the required work permits. By allowing children ages 12 and 13 to work, even under restricted conditions, the law contravenes international standards on child labor, which set the minimum legal age for employment in developing countries at 14 years. In addition, the legal minimum employment age of 14 was inconsistent with completing a basic education.

In the formal sector, the Ministry of Labor enforced child labor laws through periodic inspections. However, in the informal labor sector and rural areas, child labor continued to be a problem, particularly in agriculture and mining. Children as young as 11 worked full time in almost every aspect of the cut flower industry. Even children enrolled in school or, in some cases, those too young for school, accompanied their parents to work at flower plantations at night and on weekends. In 2001 the ILO reported that children were employed in gold and emerald mining. However, in the mining sector, coal mining presented the most difficult child labor problem. Many marginal, usually family-run, mining operations employed young children as a way to boost production and income. It is estimated that between 1,200 and 2,000 children were involved. The work was dangerous and the hours were long. Younger children carried water and packaged coal, while those ages 14 and up engaged in more physically demanding labor such as carrying bags of coal. These informal mining operations were illegal. The Ministry of Labor reported that by the end of 1999 an interagency governmental committee had removed approximately 80 percent of child laborers from the informal mines and returned them to school.

A Catholic Church study conducted in 1999 reported that approximately 2.7 million children worked, including approximately 700,000 children who worked as coca pickers. Observers noted that the economic downturn might increase the number of children working, particularly in rural areas. Child participation in agricultural work soared at harvest time. All child workers must receive the national minimum wage for the hours that they work. However, according to the Ministry of Labor, working children between the ages of 7 and 15 earned between 13 and 47 percent of the minimum wage. An estimated 26 percent of working children had regular access to health care; the health services of the social security system cover only 10 percent of child laborers. Approximately 25 percent were employed in potentially dangerous activities. School attendance by working children was significantly lower than for nonworking children, particularly in rural areas.

The Labor Ministry had an inspector in each of the country's 32 departments and the national capital district, responsible for certifying and conducting repeat inspections of workplaces that employed children; however, the system lacked resources and covered only 20 percent of the child labor force employed in the formal sector of the economy. The Labor Ministry was designing an oversight and inspection model to be implemented in early 2003. Under its Action Plan to Eradicate Child Labor, the Government allocated $2 million (5.9 billion pesos) to the National Committee for the Eradication of Child Labor, which includes representatives from the Ministries of Labor, Health, Education, and Communications, as well as officials from various other government offices, unions, employer associations, and NGOs.

The Minors Code provides for fines ranging from 1 to 40 minimum monthly salaries for violations. If a violation is deemed to have endangered a child's life or threatened a child's moral values, sanctions can also include the temporary or permanent closure of the establishment in question.

The National Committee for the Eradication of Child Labor has conducted training on legislation and enforcement for approximately 600 public officials in the departments of Antioquia, Bolivar, Cauca, Cordoba, Cundinamarca, Santander, and Valle del Cauca. The Committee also created an information system on child labor to measure and understand the problem better. The Government, the main labor federations, and media representatives published articles, broadcasted documentaries, and launched various programs to delegitimize child labor.

The Ministry of Education expanded the school day in 134 municipalities to prevent children from dropping out and entering the labor force. In 2001 UNICEF launched a program to withdraw children from the labor force and return them to school. Over 200 children in Santander de Quilichao, Cauca department, 140 children in Medellin, capital of Antioquia department, and 350 children in Armenia, capital of Quindio department, benefited from this program.

The legal definitions of "worst forms of child labor" and "hazardous work" are consistent with ILO convention 182 and do not exempt specific sectors.

The law prohibits forced and bonded labor by children; however, the Government was unable to enforce this prohibition effectively. Paramilitaries and guerrillas abducted children for use as combatants (*see* Section 5).

e. Acceptable Conditions of Work.—The Government sets a uniform minimum wage for workers every January to serve as a benchmark for wage bargaining. The monthly minimum wage, set by tripartite negotiations among representatives of business, organized labor, and the Government, was about $114 (309,000 pesos). The national minimum wage did not provide a decent standard of living for a worker and family.

Because the minimum wage is based on the Government's target inflation rate, the minimum wage has not kept up with real inflation in the past several years. An estimated 70 percent of all workers earned wages that were insufficient to cover the costs of the Government's estimated low-income family shopping basket. An estimated 76 percent of all workers earned no more than twice the minimum wage.

On December 20, Congress approved President Uribe's proposed labor reform bill. The bill lengthened the regular working day by 4 hours and reduced the amount of overtime pay. It also gave employers more flexibility in devising work schedules. The "indemnity" paid to workers who are unjustly fired will be reduced. However, for the first time unemployed workers can receive an unemployment benefit for 6 months. Under the new system, apprentices no longer will be considered employees, but they will be able to contribute to the social security fund. The bill also establishes several subsidies for employers who create new jobs.

Legislation provides comprehensive protection for workers' occupational safety and health; however, these standards were poorly enforced, in part because of the small number of Labor Ministry inspectors. In general a lack of public safety awareness, inadequate attention by unions, and lax enforcement by the Labor Ministry resulted in a high level of industrial accidents and unhealthy working conditions. Over 80 percent of industrial companies lacked safety plans. The Social Security Institute reported over 56,000 work-related accidents during the year, resulting in 356 deaths. The industries most prone to worker accidents were mining, construction, and transportation. According to insurance company association FASECOLDA, approximately 12 million persons—many of them children—had no insurance against work-related injuries.

According to the Labor Code, workers have the right to withdraw from a hazardous work situation without jeopardizing continued employment. However, unorganized workers, particularly those in the agricultural sector, feared losing their jobs if they exercised their right to criticize abuses.

f. Trafficking in Persons.—The Criminal Code defines trafficking in persons as a crime; however, trafficking in persons, primarily women and girls, remained a problem.

Law 747, passed in a special session of Congress in June, broadened the definition of trafficking in persons and provided for prison sentences of between 10 and 15 years and fines of up to 1,000 times the monthly minimum wage. These penalties, which are even more severe than those for rape (*see* Section 5), can be increased by up to one-third if there are aggravating circumstances, such as trafficking of children under the age of 14. Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom also may be brought against traffickers. Police actively investigated trafficking offenses and some traffickers were prosecuted. However, inadequate resources for witness protection hindered prosecutions.

A government advisory committee composed of representatives of the Ministry of Foreign Affairs, Interpol, the DAS, the Ministry of Justice, the Procuraduria, the

Fiscalia, and the Presidency met every 2 months to discuss trafficking in persons. The committee prepared information campaigns, promoted information exchange between government entities, created trafficking hot lines for victims, and encouraged closer cooperation between the Government and Interpol.

The Government cooperated with foreign counterparts on investigations and successfully freed victims in solo and joint operations. To protect citizens who were trafficked to other countries, government foreign missions provided legal aid and social welfare assistance.

Colombia was a source country for trafficking in women and girls to Europe, the United States, Asia, and other Latin American countries. The DAS reported in 2000 that the country was one of the three most common countries of origin of trafficking victims in the Western Hemisphere; in 2000 an estimated 35,000 to 50,000 Colombian trafficking victims were overseas. The majority of women trafficked for prostitution reportedly went to the Netherlands, Spain, Japan, and Hong Kong. A study carried out in Spain in 1999 by the Roman Catholic religious order the "Adoratrices" found that Colombian women constituted nearly half of all trafficking victims in that country. According to press reports, more than 50 percent of women from Colombia who entered Japan were trafficking victims forced to work as prostitutes. Law enforcement authorities reported that most trafficking victims were from the departments of Valle de Cauca, Antioquia, Santander, Cundinamarca, and the coffee-growing regions of Risaralda, Caldas, Quindio, and Tolima.

Police reported that most traffickers were linked to narcotics or other criminal organizations. Traffickers disguised their intent by running media ads offering jobs, portraying themselves as modeling agents, offering marriage brokerage services, or operating lottery or bingo scams with free trips as prizes. Recruiters reportedly loitered outside high schools, shopping malls, and parks to lure adolescents into accepting phantom jobs abroad.

The country's overall situation of economic downturn, high unemployment, internal conflict between three major illegal armed groups, and social exclusion contributed to the availability of victims. While young women were the primary targets of traffickers, children and men also were affected. According to officials at the Colombian Family Welfare Institute (ICBF), a high rate of unwanted pregnancy in unwed teenage girls contributed to trafficking in children.

Additional efforts addressed the problem of trafficking within the country's own borders. The Association Against Child Abuse estimated that 220,000 children were victims of sexual exploitation. The ICBF estimated that in Bogota alone there were over 10,000 girls and nearly 1,000 boys exploited as child prostitutes. During the year, the ICBF provided assistance, either directly or through other specialized agencies, to over 14,000 sexually exploited children.

The Hope Foundation, which assisted 26 trafficking victims through October, provided educational information, social support, and counseling to victims of trafficking who returned to the country. Services provided by the Hope Foundation in coordination with government social service agencies included psychological counseling, social assistance, placement, and follow-up care.

COSTA RICA

Costa Rica is a longstanding, stable, constitutional democracy with a unicameral Legislative Assembly directly elected in free multiparty elections every 4 years. The presidential term of Miguel Angel Rodriguez of the Social Christian Unity Party (PUSC), who was elected in February 1998, ended on May 8 with the inauguration of Abel Pacheco de la Espriella, also of the PUSC. Pacheco was elected president during a second-round vote in April that was necessitated by the failure of any one candidate to obtain the constitutionally required 40 percent of the popular vote during the first-round election in February. The judiciary was generally independent.

The 1949 Constitution abolished the military forces. The Ministry of Public Security—which included specialized units such as the antidrug police—and the Ministry of the Presidency shared responsibility for law enforcement and national security. Several police units were combined within the Ministry of Public Security into a single "public force" that included the Border Guard, the Rural Guard, and the Civil Guard. Public security forces generally observed procedural safeguards established by law and the Constitution; however, there were a few reports of police abuse of authority.

The market economy was based primarily on light industry, tourism, and agriculture; the country's population was approximately 3.85 million. The Constitution protects the right to private property; however, domestic and foreign property owners encountered considerable difficulty obtaining adequate, timely compensation for

lands expropriated for national parks and other purposes. The law grants substantial rights to squatters who invade uncultivated land, regardless of who may hold title to the property. Real gross domestic product (GDP) growth was estimated at 0.9 percent in 2001, compared with 1.7 percent in 2000. In October the official unemployment rate was 6.8 percent, the highest in 17 years. An estimated 21 percent of the population lived in poverty.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse; however, there were problems in a few areas. There were some instances of physical abuse by police and prison guards, and the judicial system processed some criminal cases very slowly, resulting in lengthy pretrial detention for some persons charged with crimes. Domestic violence was a serious problem, and traditional patterns of unequal opportunity for women remained, despite continuing government and media efforts to advocate change. Abuse of children also remained a problem, and child prostitution was a serious problem. Child labor persisted. Costa Rica was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits cruel or degrading treatment and holds invalid any statement obtained through violence, and the authorities generally abided by these prohibitions; however, members of the public forces were responsible for some physical abuse. An effective mechanism for lodging and recording complaints of police misconduct existed. The Ombudsman's office served as a recourse to citizens who had complaints about violations of their civil and human rights and about deficiencies in public and private infrastructure. It investigated complaints and, when appropriate, initiated suits against officials.

The Ombudsman's office received 44 reports of police abuse of authority or misconduct. At year's end, 24 reports were still being investigated, 12 were determined to be legitimate, and 8 were determined to be without merit. This compared with 21 legitimate complaints received in 2001 and 52 in 2000.

A large percentage of Public Security Force police owed their appointments to political patronage. The Rodriguez and Pacheco administrations continued implementation of the 1994 Police Code and the 2001 Law for Strengthening the Civilian Police in an effort to depoliticize and professionalize the police force. That law amended the Police Code to replace military ranks with civilian titles, required the police academy to develop a course and diploma in police administration that includes material on the fundamental and universal principles of human rights, and attempted to ensure that police officials were not dismissed due to a change in administrations. The Government's long-term plan was to establish permanent, professional cadres, eventually resulting in a nonpolitically appointed career force.

Prison conditions were considered generally fair, and they generally met international standards. Prisoners were usually separated by sex and by level of security (minimum, medium, and maximum); however, overcrowding sometimes prevented proper separation. Most but not all pretrial detainees were held separately from convicted prisoners. During the year, the Ombudsman's office received eight complaints of physical abuse of prisoners by guards, of which four were still being investigated, two were determined to be legitimate, and two were determined to be without merit. The office also received 62 other complaints from prisoners alleging inadequate medical care, arbitrary administrative procedures, violation of due process of disciplinary procedures, unfair denial of prison transfer requests, and poor living conditions. Of these 62 complaints, 28 were still being investigated at year's end, 12 were determined to be legitimate, and 22 were determined to be without merit. The Ombudsman's office investigated all complaints and referred serious cases of abuse to the public prosecutor. Illegal narcotics were readily available in the prisons, and drug use was common.

Penitentiary overcrowding remained a problem. In December the Social Adaptation Division of the Ministry of Justice reported a total of 12,635 persons under its supervision, including 6,637 jailed prisoners, 1,044 persons required to spend nights and weekends in jail, and 4,452 persons in supervised work programs requiring no jail time. The overall prison overpopulation rate was 8 percent; however, crowding

was more severe in several small jails. The San Sebastian facility in central San Jose, where many pretrial detainees were held, reported an overpopulation rate of 36 percent. After viewing conditions there in December, a judge ordered that no new prisoners be sent there until the overcrowding was relieved. His order was later applied to prisons in Liberia, Puntarenas, and San Ramon.

Problems during the year at La Reforma prison complex, the country's largest, drew attention to conditions in that prison. As of September, 3 homicides, 2 escapes, and a hunger strike involving 120 prisoners protesting poor conditions had taken place. The Ombudsman attributed the problems to overcrowding, crumbling infrastructure, lack of adequately trained prison personnel, lack of prisoner employment programs, and insufficient medical care. Local judicial officials also cited the practice of grouping hardened criminals together with first-time offenders because of a shortage of maximum-security units and an under-functioning drug-rehabilitation program.

Female prisoners were held separately in conditions that generally were considered fair, although overcrowding existed in the women's prison as well. Juveniles were held in separate detention facilities in campus-like conditions that generally were considered good. The juvenile penal system held 44 youths in detention and another 358 in supervised alternative sanction programs.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally respected these prohibitions in practice.

The law requires issuance of judicial warrants before making arrests. The Constitution entitles a detainee to a judicial determination of the legality of the detention during arraignment before a court officer within 24 hours of arrest. The authorities generally respected these rights.

The law provides for the right to bail, and the authorities observed it in practice. The authorities generally did not hold detainees incommunicado. With judicial authorization, the authorities could hold suspects incommunicado for 48 hours after arrest or, under special circumstances, for up to 10 days. A criminal court could hold suspects in pretrial detention for periods of up to 1 year, and the court of appeals could extend this period to 2 years in especially complex cases. The law requires that suspects in pretrial detention have their cases reviewed every 3 months by the court to determine the appropriateness of continued detention. According to the Ministry of Justice, in June there were 1,956 persons in pretrial detention, representing 23 percent of the prison population.

The Constitution bars exile as punishment, and it was not used.

e. Denial of Fair Public Trial.—The Constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice. The Constitution provides for the right to a fair trial, and an independent judiciary enforced this right.

The Supreme Court supervised the work of the lower courts, known as tribunals. The Legislative Assembly elected the 22 Supreme Court magistrates to 8-year terms, subject to automatic renewal unless the Assembly decided otherwise by a two-thirds majority. Accused persons could select attorneys to represent them, and the law provides for access to counsel at state expense for the indigent.

Persons accused of serious offenses and held without bail sometimes remained in pretrial custody for long periods (*see* Section 1.d.). Lengthy legal procedures, numerous appeals, and large numbers of detainees caused delays and case backlogs.

There were no new reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices; government authorities generally respected these prohibitions, and violations were subject to effective legal sanction. The law requires judicial warrants to search private homes. Judges could approve the use of wiretaps in investigations of genocide, homicide, procurement of minors, production of pornography, smuggling of minors, corruption of minors, trafficking in the organs of minors, and international crimes (which include terrorism and trafficking in slaves, women, children, or narcotics). Legal guidelines on the use of wiretaps, however, were so restrictive that the use of wiretaps was rare.

The law grants considerable rights to squatters who invade uncultivated land, regardless of who may hold title to the property. Irregular enforcement of property rights and duplicate registrations of title damaged the real property interests of many who believed they held legitimate title to land. Landowners throughout the country have suffered frequent squatter invasions for years. According to the Ministry of Public Security, there were no large-scale removals of squatters during the year, and no violence occurred during 14 small-scale evictions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, a generally effective judiciary, and a functioning democratic political system together ensured freedom of speech and of the press.

There were 6 major privately owned newspapers, several periodicals, 1 government and 4 privately owned television stations, and 1 government and over 90 privately owned radio stations, all of which pursued independent editorial policies.

In an April survey by La Nacion newspaper of 81 journalists on their perception of freedom of the press, 56 percent of the journalists claimed that they had received some type of threat during the previous 12 months relating to the performance of their job. Of the threats received, 37 percent were threats of judicial prosecution, 19 percent were threats of economic reprisals against the employer, 19 percent were threats against the job security of the reporter, and 10 percent were threats of physical harm. Of the surveyed journalists, 85 percent indicated that they felt constrained in their practice by existing legislation, while 76 percent were unsatisfied with the slow progress the Assembly had made in reforming existing laws.

A 1996 "right of response" law provides persons criticized in the media with an opportunity to reply with equal attention and at equal length. Print and electronic media continued to criticize public figures; however, media managers found it difficult to comply with provisions of this law. The Penal Code outlines a series of "insult laws" that establish criminal penalties of up to 3 years in prison for those convicted of "insulting the honor or decorum of a public official." The law also identifies defamation, libel, slander, and calumny as offenses against a person's honor that can carry criminal penalties. The Inter-American Press Association and the World Press Freedom Committee asserted that such laws had the effect of restricting reporting by the media, and that they wrongly provided public officials with a shield from public scrutiny by citizens and the press.

The unsolved July 2001 murder of popular radio host Parmenio Medina led to considerable public debate on press freedoms and renewed attention to legislative proposals aimed at easing media restrictions. The Legislative Assembly created a committee to study the different proposals, but at year's end, debate continued, and the bill had not been approved. On December 23, the police arrested a suspect in the Medina murder, but no charges had been brought by year's end.

The Office of Control of Public Performances rated films and had the authority to restrict or prohibit their showing; it had similar powers over television programs and stage plays. Nonetheless, a wide range of foreign films was available to the public. A tribunal reviewed appeals of the office's actions.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

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

In April hundreds of rice farmers convened in the port of Caldera to protest the unloading of imported rice and blocked the road for 2 days. Police forces dispersed the crowd with tear gas after rocks were thrown at a police vehicle, injuring 34 persons, mostly from exposure to teargas. The police briefly detained 15 persons for a few hours following the disturbance, but all were released without being charged.

In July protesters opposed to the introduction of a new automobile inspection requirement blocked several major highways in 2 days of protests. Taxi drivers, automobile mechanics, and union leaders alleged that the new requirement was too rigid, too expensive, and would force too many cars off the road. The protesters blocked roadways by burning tires and trees and set fire to one roadside restaurant and several vehicles. Police again used tear gas to clear the demonstrations. The police detained 175 participants and brought charges against 63 of them. Most were charged with hindering public services, instigating disorder, and aggravated resistance to police orders. Trial dates had not yet been set by year's end.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution establishes Roman Catholicism as the state religion; however, it also prohibits the State from impeding the free exercise of other religions "that do not impugn universal morality or proper behavior." Members of all faiths freely practiced their religion without government interference. The law grants all churches tax-free status but allows the Government to provide land only to the Catholic Church. Religious education teachers in public schools must be certified by the Roman Catholic Church Conference, which does not certify teachers from other denominations or faiths. Denominational and nondenominational private schools were free to offer any religious instruction

they saw fit. Foreign missionaries and clergy of all faiths worked and proselytized freely.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respected them in practice. There were no restrictions on travel within the country, emigration, or the right of return.

There was a long tradition of providing refuge to persons from other countries. The law provides for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government admitted 4,634 persons as refugees under terms of the convention as of December. The office of the U.N. High Commissioner for Refugees (UNHCR) reported the total refugee population to be 11,987 as of September 30.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The Government made a distinction between political asylum and refugee status. The issue of the provision of first asylum did not arise. The UNHCR reported that the Government had received 3,517 requests for asylum as of October 31. The Constitution specifically prohibits repatriation of anyone subject to potential persecution, and there were no reports of the forced return of persons to a country where they feared persecution.

The authorities regularly repatriated undocumented Nicaraguans, most of whom entered the country primarily for economic reasons. However, following Hurricane Mitch in 1998, the Government announced a program of general amnesty for all Nicaraguans, Hondurans, and Salvadorans who were in the country prior to November 9, 1998. By the end of 2001, 213,037 Nicaraguans had qualified for and received legal resident status, most of them under this government amnesty program. According to the General Directorate of Migration, as of December, the Government had deported 3,992 and denied entry to 31,345 Nicaraguans.

The UNHCR reported that 7,225 Colombian refugees were resident as of September 30. The majority entered in legal visitor status and applied for residence. According to the UNHCR, 3,386 Colombians requested refugee status as of October 31, compared with 5,018 during 2001. These figures did not include other kinds of recognition, namely for family reunification. Those who sought temporary refugee status were expected to return to their country of origin once the period of conflict ended there.

Allegations of abuse by the Border Guard periodically arose. Although instances of physical abuse appeared to have declined, there continued to be credible reports of extortion of migrants by border officials.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through free and fair elections held on the basis of universal suffrage and by secret ballot every 4 years. The independent Supreme Electoral Tribunal ensured the integrity of elections, and the authorities and citizens respected election results. The Constitution bars the President from seeking reelection, and Assembly members may seek reelection only after at least one term out of office.

In the February elections, the failure of any one presidential candidate to win 40 percent of the popular vote necessitated a runoff election in April, which was won by Abel Pacheco of the Social Christian Union Party. PUSC candidates won 19 of the Legislative Assembly's 57 seats. The National Liberation Party won 17 seats; the newly formed Citizen's Action Party won 14 seats; the Libertarian Movement Party won 6 seats; and the Costa Rican Renovation party won 1 seat.

Women encountered no legal impediments to their participation in politics and were represented increasingly in leadership positions in the Government and political parties. To increase women's representation in government, the Supreme Electoral Tribunal required that a minimum of 40 percent of candidates for elective office be female and that women's names be placed accordingly on the ballots by party slate. The First Vice President (who is also a cabinet member), the Minister of Education, the Minister of Children's Welfare, the Minister of Economy and Industry, the Minister of Health, the Minister of the Presidency, and the Minister of Women's Affairs were women. There were 20 women among the Legislative Assembly's 57 deputies, and women held several prominent offices in the 3 largest political parties. The Foundation of Women Parliamentarians of Costa Rica promoted women's involvement in politics through informational meetings and public awareness cam-

paigns and also worked for a number of social objectives, including the decentralization of government.

Indigenous people may participate freely in politics and government; however, in practice, they have not played significant roles in these areas, except on issues directly affecting their welfare, largely because of their relatively small numbers and physical isolation. They accounted for about 1 percent of the population, and their approximately 20,000 votes constituted an important swing vote in national elections. No member of the Legislative Assembly identified himself as indigenous.

There were three Afro-Caribbean members in the Assembly; one represented San Jose province and two represented the Caribbean province of Limon. The country's 100,000 Afro-Caribbeans, who mostly resided in Limon province, enjoyed full rights of citizenship, including the protection of laws against racial discrimination.

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

Various human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Costa Rican Commission for Human Rights and the Commission for the Defense of Human Rights in Central America monitored and reported on human rights, as did the Ombudsman's office.

The Legislative Assembly elects the Ombudsman for a 4-year, renewable term. The Ombudsman's office was part of the legislative branch, ensuring a high degree of independence from the executive branch. The law provides for the functional, administrative, and judicial independence of the Ombudsman's office. The office was divided into nine different directorates, including one for women's issues, one for children and adolescents, as well as a "special protection" directorate for populations such as indigenous people, senior citizens, prisoners, persons with disabilities, immigrants, etc. The Ombudsman opened regional offices in Ciudad Quesada and Liberia.

Several international organizations concerned with human rights, including the Inter-American Institute for Human Rights and the Inter-American Court of Human Rights, were located in San Jose.

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

The Constitution provides that all persons are equal before the law, and the Government generally respected this provision.

Women.—The Government identified domestic violence against women and children as a serious societal problem. The National Institute for Women (INAMU), an autonomous institution created in 1998 that is dedicated to gender equality, received 63,990 calls on its domestic abuse hot line from January through October. During this same period, INAMU counseled 4,097 female victims of abuse in its San Jose office and accepted 194 women in INAMU-run shelters. INAMU maintained 41 offices in municipalities around the country and had trained personnel working in 32 of the country's 81 cantons.

The Office of the Special Prosecutor for Domestic Violence and Sexual Crimes prosecuted 448 cases related to domestic violence during the year, compared with 456 cases in 2001. INAMU reported that 24 women were killed in incidents of domestic violence during the year, compared with 11 in 2001.

The 1996 Law Against Domestic Violence establishes precautionary measures to help victims. At year's end, the Legislative Assembly was still debating a Bill to Qualify Violence Against Women as a Crime, which would classify certain acts of domestic violence as crimes and mandate their prosecution whether or not the victim pursued charges against the perpetrator. The authorities incorporated training on handling domestic violence cases into the basic training course for new police personnel. The domestic violence law requires public hospitals to report cases of domestic violence against women. It also denies the perpetrator possession of the family home in favor of the victim. Television coverage of this issue increased in news reporting, public service announcements, and feature programs. Reports of violence against women increased, possibly reflecting a greater willingness of victims to report abuses rather than an actual increase in instances of violence against women. The public prosecutor, police, and the Ombudsman all had offices dedicated to this problem. The law against sexual harassment in the workplace and educational institutions sought to prevent and punish sexual harassment in those environments.

Prostitution is legal for persons over the age of 18. The Penal Code prohibits individuals from promoting or facilitating the prostitution of individuals of either sex, independent of the individual's age, and the penalty is increased if the victim is under the age of 18.

The prohibition against trafficking in women for the purpose of prostitution was strengthened by a statute that went into effect in 1999, although trafficking was a problem (*see* Section 6.f.).

In the 2000 census, women constituted 49.6 percent of the population. In 1998 President Rodriguez created the office of Minister of Women's Affairs, who also heads INAMU. The 1990 Law for the Promotion of the Social Equality of Women prohibits discrimination against women and obligates the Government to promote political, economic, social, and cultural equality. As part of its 3-year National Plan for Equality of Opportunity between Women and Men, the Government established an office for gender issues in almost all ministries and most parastatal organizations.

According to the U.N. Development Program, women over age 15 represented 36.6 percent of the labor force. Most women (76 percent) worked in the service sector, with the remainder working in industry (17 percent) and agriculture (6 percent). Women occupied 45 percent of professional and technical positions, and 30 percent of legislative, senior official, and managerial positions. The Constitution and Labor Code require that women and men receive equal pay for equal work; however, the estimated earned income for women was approximately 78 percent of the earned income for men, despite the fact that 20.5 percent of women in the workforce had some university instruction, compared to 11.4 percent of men.

Children.—The Government was committed to children's rights and welfare through well-funded systems of public education and medical care. The law requires 6 years of primary and 3 years of secondary education for all children. There was no difference in the treatment of girls and boys in education or in health care services. In 1998 the Legislative Assembly passed a constitutional amendment increasing spending on education from 4 percent to 6 percent of GDP. The country had a high rate of literacy (95 percent) and a low rate of infant mortality (10 persons per 1,000). The Government spent over 5 percent of GDP on medical care. The autonomous National Institute for Children (PANI) oversaw implementation of the Government's programs for children. In May President Pacheco made PANI's Executive Director a minister, with the title of Minister of Child Welfare.

In recent years, the PANI increased public awareness of abuse of children, which remained a problem. From January to June, the Institute intervened in 4,480 cases of abandonment (compared with 3,640 cases in the first 6 months of 2001), 403 cases of physical abuse (compared with 1,246), 3,475 cases of sexual abuse (compared with 573), and 1,601 cases of psychological abuse (compared with 941) of children. The PANI attributed the increase in cases to better reporting capabilities, an expansion of the definition of child abuse, and simply more abuse. In addition, the 1997 Code of Childhood and Adolescence redefined psychological abuse and increased awareness of it. Traditional attitudes and the inclination to treat such crimes as misdemeanors sometimes hampered legal proceedings against those who committed crimes against children.

The Government, police sources, and UNICEF representatives acknowledged that child prostitution was a serious problem (*see* Section 6.f.).

The NGO Casa Alianza operated a 24-hour telephone help line that received 71 accusations of exploitation of minors from January through August. In 2000 the organization made a presentation to the IACHR about what it termed the growing commercial sexual exploitation of children in the country. Casa Alianza criticized the Government for not providing the PANI with 7 percent of the national tax revenue since 1998, as stipulated by the law creating the PANI, and also criticized the Government for the relatively low number of persons actually charged, found guilty, and sentenced for child exploitation.

The fiscal austerity measures of the Pacheco administration resulted in a 26 percent cut in PANI's budget during the year, and the same reduction was set to be applied to PANI's 2003 budget. The cuts resulted from the Government's reduction of the amount of money transferred to the Social Development and Family Allocation Fund, which is the primary source of PANI's funds. The Ombudsman decried the reductions and pledged to restore PANI's budget by seeking donations from international organizations.

Persons with Disabilities.—The 1996 Equal Opportunity for Persons with Disabilities Law prohibits discrimination, provides for health care services, and mandates provision of access to buildings for persons with disabilities. This law was not enforced widely, and many buildings remained inaccessible to persons with disabilities. A 2000 government study concluded that only 35 percent of the law's stated goals had been implemented. Nonetheless, a number of public and private institutions made efforts to improve access. In 1999 the PANI and the Ministry of Education published specific classroom guidelines for assisting children with hearing

loss, motor difficulties, attention deficit disorder, and mental retardation. The Ministry of Education operated a Program for Persons with Disabilities, including a national resource center that provided parents, students, and teachers with advanced counseling, training, and information services. The Ministry reported that 17,201 students with disabilities were registered in the school system during the year, and that 46 special education centers had been created.

Indigenous Persons.—The population of about 3.85 million includes nearly 40,000 indigenous persons among 8 ethnic groups. Most lived in traditional communities on 22 reserves which, because of their remote location, often lacked access to schools, health care, electricity, and potable water. The Government, through the National Indigenous Commission, distributed identification cards to facilitate access to public medical facilities in 1999. The Government also built a medical clinic and several community health centers in indigenous areas. The Ombudsman had an office to investigate violations of the rights of indigenous people.

Section 6. Worker Rights

a. The Right of Association.—The law specifies the right of workers to join unions of their choosing without prior authorization, and workers exercised this right in practice. About 15 percent of the work force was unionized, and approximately 80 percent of all union members were public sector employees. Unions operated independently of government control.

Some trade union leaders contended that the existence of worker "solidarity associations" in some enterprises displaced unions and discouraged collective bargaining. However, since 1993, these non-dues-paying organizations were prohibited by law from representing workers in collective bargaining negotiations or in any other way assuming the functions of or inhibiting the formation of trade unions. Instead, their function was to offer membership services, including credit union programs, matching-fund savings accounts, and low-interest loans. In some instances, employees had access to both trade union membership and solidarity association services at the same time.

In December the AFL-CIO filed a petition with the U.S. Trade Representative to remove the country from the list of beneficiary countries under the U.S. General System of Preferences and the Caribbean Basin Economic Recovery Act. The AFL-CIO alleged that some employers used solidarity associations, together with legal provisions that permitted the negotiation of "direct agreements" between employers and unrepresented workers, to establish employer-controlled organizations. The petition also alleged that the Government did not accord workers internationally recognized worker rights, specifically the freedom of association and the right to organize and bargain collectively.

A November 2001 ILO report summarized the results of its technical assistance mission, which found that unions were independent, active, and enjoyed the right to organize and express their views freely. According to the ILO, unions represented all types of workers and actively participated in bipartite and tripartite negotiating structures. The law prohibits discrimination against union members and imposes sanctions against offending employers. The ILO report, however, noted continued problems related to the slowness and inefficiency of redress procedures for unjustified firings and discriminatory antiunion measures, especially in the private sector.

There were no new developments during the year in the ILO complaint filed by a union alleging antiunion discrimination in the banana industry, or on a complaint filed by the teachers union.

The ILO's Committee of Experts (COE) identified several deficiencies in the labor law. Each year since 1998, the ILO encouraged the Government to adopt new measures to bring its law and practice in full compliance with internationally recognized worker rights. The Constitutional Chamber ruled that the National Inspection Directorate must comply with the 2-month time limit for investigations. The ILO criticized this procedure for giving no guarantee or reparations for damages caused, even if the legal deadlines were respected, since the labor inspectors simply certify the wrongdoing but file no charges. Most cases took up to 2 months to resolve, but some may take longer if the judge decided that an unusual situation merited further investigation and required witnesses. Delays in processing court rulings were common throughout the judicial branch, with little improvement in the slow and ineffective recourse procedures in response to antiunion discrimination. The Ministry of Labor continued its efforts to modernize the National Inspection Directorate, to enable it to support worker rights by increasing the authority of regional officers to investigate and process cases of alleged abuse by employers. These regional offices also established local forums where government officials, employers, and employees could discuss labor issues. Inspectors were provided increased opportunities for training and participation in Ministry of Labor administration.

Unions could form federations and confederations and affiliate internationally.

b. The Right to Organize and Bargain Collectively.—The Constitution protects the right to organize. Foreign nationals are expressly prohibited from exercising direction or authority in unions. Since 1998 the COE specifically addressed this problem and repeatedly expressed its hope that the Government would adopt reforms to bring this law and practice into full conformity with internationally recognized norms. Specific provisions of the 1993 Labor Code reforms provide protection from dismissal for union organizers and members during union formation; however, the employer is not obligated to follow any specific procedures to prove grounds for dismissal. The revised provisions require employers who are found guilty of unfair labor practices to reinstate workers fired for union activities; however, enforcement of the measure was lax.

The November 2001 ILO report commented on several rulings issued by the Constitutional Court that "emphasized the confusion, uncertainty, and even legal insecurity" with regard to the scope of public sector employees to bargain collectively. The COE "expressed its deep concern over this situation which constitutes a serious violation . . . of the right to collective bargaining in the public sector." The COE urged the Legislative Assembly to ratify ILO Conventions 151 and 154, which would make it possible to find solutions to the problems that exist. A group of legislators also began working on a bill to amend the Constitution specifically to provide for the right to collective bargaining.

Private sector unions had the legal right to engage in collective bargaining; however, collective bargaining diminished as a result of several factors, including lengthy delays in court processing of unfair dismissal suits and solidarity associations in effect displacing trade unions. The ILO report drew attention to the "enormous imbalance" in the private sector between the number of collective agreements concluded by trade union organizations (12, with very low coverage - 7,200 workers) and direct pacts concluded by nonunionized workers (130). The COE noted that trade union confederations linked this imbalance with employers or solidarity associations, an allegation that employers denied. The ILO requested that the Government take the necessary measures to promote collective bargaining within the meaning of ILO Convention 87 and to hold an investigation by independent persons concerning the reasons for the increase in direct pacts with nonunionized workers.

The Constitution and Labor Code restrict the right of public sector workers to strike. However, in 1998 the Supreme Court formally ruled that public sector workers, except those in essential positions, had the right to strike. Even before this ruling, the Government had removed penalties for union leaders participating in such strikes. Nonetheless, the COE reported that workers in the rail, maritime, and air transport sectors were prohibited from exercising their right to strike.

In 2000 the Supreme Court's Constitutional Chamber clarified the law forbidding public sector strikes. It ruled that public sector strikes could be allowed only if a judge approved them beforehand and found that "services necessary to the well-being of the public" were not jeopardized. Public sector workers who decided to strike could no longer be penalized by a prison sentence but could face charges of breach of contract.

There were no legal restrictions on the right of private sector workers to strike, but few private sector workers belonged to unions. Private sector strikes rarely occurred, and there were no major strikes during the year.

All labor regulations applied fully to the country's nine export processing zones (EPZs). The Labor Ministry oversaw labor regulations within the EPZs.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, and there were no reports that it occurred. Laws prohibit forced and bonded labor by children, and the Government generally enforced this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution and the Labor Code provide special occupational protection for minors and pregnant and nursing women, and establish a minimum working age of 15 years. Adolescents between the ages of 15 and 18 may work for a maximum of 6 hours daily and 36 hours weekly with special permission from the PANI, while children under the age of 15 may not work legally. The PANI, in cooperation with the Labor Ministry, generally enforced these regulations in the formal sector. Due to limited government resources for enforcement, some children worked on the fringes of the formal economy in violation of these limits. Youths under the age of 18 may not work in the banana industry. According to PANI estimates for 2000, 19 percent of children between the ages of 5 and 17 were employed in domestic tasks, while 15 percent worked outside the home. In October the Labor Ministry reported that 72,000 children between the ages of 5 and 16 worked illegally instead of attending

school. Another 16,000 children between the ages of 16 and 18 quit school to work. According to a 1998 survey, children between the ages of 5 and 11 were paid only 11.6 percent of the minimum wage, those between the ages of 12 and 14 were paid 21 percent of the minimum wage, and the group between the ages of 15 and 17 was paid 56 percent of the minimum wage.

With help from the ILO, the Labor Ministry was working to phase out child labor in the formal sector and asked employers of children to notify the Ministry of such employment. The National Directive Committee for the Progressive Eradication of Child Labor and Protection of Adolescent Laborers includes representatives from the PANI, the Ministry of Labor, the Ministry of Justice, the Ministry of Public Security, the Ombudsman's Office, UNICEF, the ILO, and area universities. The Ministry of Labor maintained an Office for the Eradication of Child Labor, which cooperated with projects sponsored by the ILO, U.N. Development Program, and other entities. Nonetheless, child labor remained an integral part of the informal economy, particularly in small-scale agriculture and family-run microenterprises selling various items, which employed a significant proportion of the labor force. Child prostitution was a serious problem (*see* Section 6.f.).

e. Acceptable Conditions of Work.—The Constitution provides for a minimum wage. A National Wage Council, composed of three members each from government, business, and labor, set minimum wage and salary levels for all sectors. Monthly minimum wages for the private sector were adjusted on July 4 and ranged from approximately $144 (51,732 colones) for domestic employees to approximately $560 (203,571 colones) for some professionals. Public sector negotiations, based on private sector minimum wages, normally followed the settlement of private sector negotiations. The Ministry of Labor effectively enforced minimum wages in the San Jose area but did so less effectively in rural areas. Especially at the lower end of the wage scale, the minimum wage was not sufficient to provide a worker and family with a decent standard of living.

The Constitution sets workday hours, overtime remuneration, days of rest, and annual vacation rights. Although often circumvented in practice, it also requires compensation for discharge without due cause. Generally, workers may work a maximum of 8 hours during the day and 6 at night, up to weekly totals of 48 and 36 hours, respectively. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work in excess of the daily work shift. However, agricultural workers did not receive overtime pay if they voluntarily worked beyond their normal hours. Little evidence existed that employers coerced employees to perform such overtime.

A 1967 law on health and safety in the workplace requires industrial, agricultural, and commercial firms with 10 or more workers to establish a joint management-labor committee on workplace conditions and allows the Government to inspect workplaces and to fine employers for violations. Most firms subject to the law established such committees but either did not use the committees or did not turn them into effective instruments for improving workplace conditions. The Government did not provide sufficient resources to the Labor Ministry to ensure consistent maintenance of minimum conditions of safety and sanitation, especially outside San Jose, or to verify effectively compliance with labor laws by the country's approximately 42,000 companies. In June and August, two industrial accidents brought attention to the lack of labor occupational safety inspectors operating in the country. Workers had the right to leave work if conditions become dangerous; however, workers who did so may jeopardize their jobs unless they filed written complaints with the Ministry of Labor.

f. Trafficking in Persons.—The law prohibits trafficking in women for the purpose of prostitution, and a 1999 statute strengthens this prohibition; however, Costa Rica was a transit and destination country for trafficked persons. Isolated cases of trafficking have involved persons from Africa, Asia, Bolivia, China, Colombia, Cuba, the Dominican Republic, and the Middle East. There also were reports of girls from the Philippines being trafficked to the country for the purpose of sexual exploitation.

The Criminal Code prohibits trafficking in women and minors for the purpose of prostitution, but it does not address all severe forms of trafficking. In November 2001, the General Directorate of Migration implemented an executive decree to prohibit persons linked to trafficking from entering Costa Rica. In December 2001, a law entered into force that permits the use of wiretaps in investigations of trafficking, although legal guidelines governing the use of wiretaps were so strict that investigators rarely used them.

Child prostitution was a serious problem. Although no official statistics existed, the PANI identified street children in the urban areas of San Jose, Limon, and Puntarenas as being at the greatest risk. Estimates of the number of children in-

volved in prostitution varied widely, and the only scientific studies focused on limited areas. The 1999 Law Against the Sexual Exploitation of Minors specifically penalizes persons who use children and adolescents under age 18 for erotic purposes and makes it a crime to engage in prostitution with minors. An adult who pays for sex with a minor can be sentenced to 2 to 10 years in prison. The Government took steps to enforce this law and raided brothels and arrested clients. The law provides for prison sentences from 4 to 10 years for those managing or promoting child prostitution. On December 5, a court convicted five persons arrested in 2001 for sexual exploitation of children; two were sentenced to 30 years' imprisonment and three to 16 years.

A government Inter-Ministerial Group on Trafficking addressed the problem in the country. Each participating ministry reportedly incorporated preventive trafficking measures into its ministerial agenda. The Government supported prevention programs to combat sexual exploitation of minors and trafficking. There were limited formal mechanisms specifically designed to aid trafficked victims; however, the Government offered indirect assistance, such as stay-in-school programs, to child victims of trafficking. Victims were not granted temporary or permanent residence status and often were deported immediately to their country of origin.

CUBA

Cuba is a totalitarian state controlled by Fidel Castro, who is Chief of State with the titles of President, Head of government, First Secretary of the Communist Party, and commander in chief of the armed forces. Castro exercises control over all aspects of life through the Communist Party and its affiliated mass organizations, the Government bureaucracy headed by the Council of State, and the state security apparatus. The Communist Party is the only legal political entity, and Castro personally chooses the membership of the Politburo, the select group that heads the party. There are no contested elections for the 601-member National Assembly of People's Power (ANPP), which meets twice a year for a few days to rubber stamp decisions and policies previously decided by the governing Council of State. The Communist Party controls all government positions, including judicial offices. The judiciary is completely subordinate to the Government and to the Communist Party.

The Ministry of Interior is the principal entity of state security and totalitarian control. Officers of the Revolutionary Armed Forces, which are led by Fidel Castro's brother General Raul Castro, were assigned to the majority of key positions in the Ministry of Interior in the past several years. In addition to the routine law enforcement functions of regulating migration and controlling the Border Guard and the regular police forces, the Interior Ministry's Department of State Security investigated and actively suppressed political opposition and dissent. It maintained a pervasive system of surveillance through undercover agents, informers, rapid response brigades (RRBs), and neighborhood-based Committees for the Defense of the Revolution (CDRs). The Government traditionally has used the CDRs to mobilize citizens against dissenters, impose ideological conformity, and root out "counterrevolutionary" behavior. RRBs consisted of workers from a particular brigade (construction workers, a factory, etc.) that were organized by the Communist Party to react forcefully to any situation of social unrest. The Government on occasion used RRBs instead of the police or military during such situations. Members of the security forces committed numerous, serious human rights abuses.

The economy was centrally planned, with some elements of state-managed capitalism in sectors such as tourism and mining. The country's population was approximately 11 million. The economy depended heavily on primary products such as sugar and minerals, but also on its recently developed tourism industry. The economy performed poorly during the year, mainly due to inefficient policies. The 2001–02 sugar harvest was poor, remittances from abroad decreased, and tourist arrivals declined 5 percent below 2001 levels. In November 2001, Hurricane Michelle severely affected agricultural production, which did not begin to recover until midyear. Government officials announced that the economy had grown by 1.1 percent during the year. Government policy was officially aimed at preventing economic disparity, but persons with access to dollars enjoyed a significantly higher standard of living than those with access only to pesos. During the year, the Government issued a moratorium on new licenses for small private businesses in the service sector, many of which have been fined on unclear grounds or taxed out of existence. A system of "tourist apartheid" continued, whereby citizens were denied access to hotels, beaches, and resorts reserved for foreign tourists.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens did not have the right to change their gov-

ernment peacefully. Although the Constitution allows legislative proposals backed by at least 10,000 citizens to be submitted directly to the ANPP, the Government rejected a petition known as the Varela Project, with over 11,000 signatures calling for a national referendum on political and economic reforms. The Government mobilized the population to sign a counter-petition reinforcing the socialist basis of the State; the ANPP unanimously approved this amendment. Communist Party-affiliated mass organizations tightly controlled elections to provincial and national legislative bodies, resulting in the selection of single, government-approved candidates. Prisoners died in jail due to lack of medical care. Members of the security forces and prison officials continued to beat and abuse detainees and prisoners, including human rights activists. The Government failed to prosecute or sanction adequately members of the security forces and prison guards who committed abuses. Prison conditions remained harsh and life threatening. The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. The Government used internal and external exile against such persons. The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials. The Government infringed on citizens' privacy rights. The Government denied citizens the freedoms of speech, press, assembly, and association. It limited the distribution of foreign publications and news, restricted access to the Internet, and maintained strict censorship of news and information to the public. The Government restricted some religious activities but permitted others. The Government limited the entry of religious workers to the country. The Government maintained tight restrictions on freedom of movement, including foreign travel and did not allow some citizens to leave the country. The Government was sharply and publicly antagonistic to all criticism of its human rights practices and discouraged foreign contacts with human rights activists. Violence against women, especially domestic violence, and child prostitution were problems. Racial discrimination was a problem. The Government severely restricted worker rights, including the right to form independent unions. The Government prohibits forced and bonded labor by children; however, it required children to do farm work without compensation.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—There were no reports of politically motivated killings.

On August 16, Juan Sanchez Picoto died in a psychiatric hospital in San Luis de Jagua, allegedly by suicide. According to family members, Sanchez Picoto had tried to emigrate nine times since 1998, and after the last attempt the authorities forcibly removed him from his home and placed him in a psychiatric unit for alcoholics at a Guantanamo psychiatric hospital. He was held in a ward for violent and mentally ill offenders, despite a doctor's diagnosis that he did not meet criteria for involuntary commitment. He was allegedly given shock therapy and assaulted by another detainee, resulting in a head injury. On August 15, he was transferred from the Guantanamo hospital to the San Luis de Jagua unit and died the next day; family members were not allowed to see the body.

During the year, there were reports that prisoners died in jail due to lack of medical care (*see* Section 1.c.).

There was no new information about the results of any investigation into the deaths of Leovigildo Oliva and Leonardo Horta Camacho, and no government action was likely; police reportedly shot and killed both men in 2000.

The Government still has not indemnified the survivors and the relatives of the 41 victims for the damages caused in the Border Guard's July 1994 sinking of the "13th of March" tugboat, despite a 1996 recommendation by the Inter-American Commission on Human Rights (IACHR) to do so.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits abusive treatment of detainees and prisoners; however, members of the security forces sometimes beat and otherwise abused human rights advocates, detainees, and prisoners. The Government took no steps to curb these abuses. There continued to be numerous reports of disproportionate police harassment of black youths (*see* Section 5).

On March 4, state security agents, police, and civilian members of an RRB beat blind activist Juan Carlos Gonzalez Leyva, independent journalist Carlos Brizuela Yera, and eight other activists, who were at a public hospital in Ciego de Avila pro-

testing the earlier beating of independent journalist Jesus Alvarez Castillo. Police forcibly removed the protesters from the hospital and arrested them. On August 21, a municipal court charged them with "contempt for authority, public disorder, disobedience, and resistance." Prosecutors requested a 6-year sentence for Gonzalez Leyva. Gonzalez Leyva protested his imprisonment through a liquids-only fast, and at year's end weighed less than 100 pounds.

On September 17, plainclothes police beat 59-year-old Rafael Madlum Payas of the Christian Liberation Movement as he approached a police station to inquire about the cases of seven activists being held at the station.

The Government continued to subject persons who disagreed with it to what it called acts of repudiation. At government instigation, members of state-controlled mass organizations, fellow workers, or neighbors of intended victims were obliged to stage public protests against those who dissented from the Government's policies, shouting obscenities and often causing damage to the homes and property of those targeted; physical attacks on the victims sometimes occurred. Police and state security agents often were present but took no action to prevent or end the attacks. Those who refused to participate in these actions faced disciplinary action, including loss of employment.

On July 1, the first secretary of the Communist Party in Cruces, Cienfuegos province, directed 150 persons to engage in an act of repudiation against Gladys Aquit Manrique of the Cuban Pro Human Rights Party. The persons shouted epithets at Aquit Manrique and kicked her door.

There were also smaller-scale acts of repudiation, known as "reuniones relampagos," or rapid repudiations. These acts were conducted by a small number of persons, usually not from the target's neighborhood, and lasted up to 30 minutes. These individuals shouted epithets and threw stones or other objects at the victim's house.

On April 21, members of an RRB beat Grisel Almaguer Rodriguez of the Political Prisoners Association as she departed the home of human rights activist Elizardo Sanchez Santa Cruz.

On September 21, persons directed by state security officials threw stones and mud at the home of Jose Daniel Ferrer of the Christian Liberation Movement and beat Victor Rodriguez Vazquez and Yordanis Almenares Crespo, who were visiting Ferrer at the time of the attack.

On September 24, police in Santiago province directed persons to beat six members of the Christian Liberation Movement during an act of rapid repudiation.

Prison conditions continued to be harsh and life threatening, and conditions in detention facilities also were harsh. The Government claimed that prisoners had rights such as family visitation, adequate nutrition, pay for work, the right to request parole, and the right to petition the prison director; however, police and prison officials often denied these rights in practice, and beat, neglected, isolated, and denied medical treatment to detainees and prisoners, including those convicted of political crimes or those who persisted in expressing their views. The Penal Code prohibits the use of corporal punishment on prisoners and the use of any means to humiliate prisoners or to lessen their dignity; however, the code fails to establish penalties for committing such acts, and they continued to occur in practice. Detainees and prisoners, both common and political, often were subjected to repeated, vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims. Some endured physical and sexual abuse, typically by other inmates with the acquiescence of guards, or long periods in punitive isolation cells. Pretrial detainees were held separately from convicted prisoners. In Havana there were two detention centers; once sentenced, persons were transferred to a prison.

Prisoners sometimes were held in "punishment cells," which usually were located in the basement of a prison, were semi-dark all the time, had no water available in the cell, and had a hole for a toilet. No reading materials were allowed, and family visits were reduced to 10 minutes from 1 or 2 hours. There was no access to lawyers while in the punishment cell.

On May 10, political prisoner Carlos Luis Diaz Fernandez informed friends that he had been held in solitary confinement since January 2000 in a cell with no electric light and infested by rats and mosquitoes.

In August six guards at Guamajal prison, Villa Clara province, beat common prisoner Pedro Rafael Perez Fuentes until he was unconscious. Perez Fuentes told his mother that the guards had beaten him because he had asked them why he had been denied exercise privileges. The prison warden verbally abused Perez Fuentes' mother when she informed him of her plans to report the assault.

On August 6, prison officials, including the chief of political reeducation, beat political prisoner Yosvani Aguilar Camejo. Aguilar Camejo is the national coordinator

for the Fraternal Brothers for Dignity Movement. He was arrested at the time of the Mexican Embassy break-in by asylum seekers in late February (*see* Section 1.d.).

Prison guards and state security officials subjected human rights and prodemocracy activists to threats of physical violence, to systematic psychological intimidation, and to detention or imprisonment in cells with common and violent criminals, sexually aggressive inmates, or state security agents posing as prisoners.

On February 21, political prisoner Ariel Fleitas Gonzalez advised relatives that prison authorities had placed a dangerous common criminal in his cell in Canaleta prison to monitor his activities. That prisoner threatened Fleitas Gonzalez when the latter called upon officials to respect prisoners' rights.

On June 20, a guard at Las Ladrilleras prison in Holguin province instructed a common prisoner to beat political prisoner Daniel Mesa. Mesa reportedly suffered brain damage as a result of the attack.

In late October, imprisoned dissident Leonardo Bruzon Avila was hospitalized from the effects of a 43-day hunger strike. In February the authorities had arrested Bruzon on charges of civil disobedience. In December the authorities returned Bruzon to prison, where he resumed a liquids-only diet. Family members and colleagues believed he was returned to prison before he had fully recovered from the effects of his hunger strike.

In November Ana Aquililla, wife of Francisco Chaviano Gonzalez, reported that her husband remained confined with common prisoners, that for more than 1 year he was not allowed outside the prison for recreation, and that he could not receive family visits. Chaviano is the former president of the National Council for Civil Rights in Cuba and received a 15-year prison sentence in 1994 on charges of espionage and disrespect.

Political prisoners were required to comply with the rules for common criminals and often were punished severely if they refused. They often were placed in punishment cells and held in isolation.

The Government regularly failed to provide adequate nutrition and medical attention, and a number of prisoners died during the year due to lack of medical attention. In 1997 the IACHR described the nutritional and hygienic situation in the prisons, together with the deficiencies in medical care, as "alarming." Both the IACHR and the former U.N. Special Rapporteur on Cuba, as well as other human rights monitoring organizations, have reported the widespread incidence in prisons of tuberculosis, scabies, hepatitis, parasitic infections, and malnutrition.

In early June, common prisoner Hector Labrada Ruedas died of internal bleeding after prison authorities refused his requests for medical attention.

Alberto Martinez Martinez contracted hepatitis and leptospirosis while being held for attempting to leave the country without government authorization. He was placed in intensive care following his release. Martinez Martinez is the son of Alberto Martinez Fernandez, president of the Political Prisoners and Ex-Political Prisoners Club.

On June 19, the illegal (*see* Section 2.b.) nongovernmental organization (NGO) National Office for the Receipt of Information on Human Rights Violations reported that political prisoner Nestor Garcia Valdes had contracted tuberculosis while being held in Guantanamo Provincial Prison with nine infected common prisoners, none of whom had received treatment for the disease.

The wife of political prisoner Nestor Rodriguez Lobaina reported that Rodriguez feared for his health because he had been held for an extended period in a cell with two prisoners suffering from tuberculosis. Rodriguez was especially concerned because his wife and young daughter visited him in his cell, exposing them to possible infection as well. Rodriguez' wife claimed that the prison doctor had refused to transfer Lobaina after learning that he was a political prisoner, saying that his fate was of no concern to her. Rodriguez is in the third year of a 6-year sentence for "contempt of authority" and "public disorder."

Political prisoner Osvaldo Dussu Medina reported that inmates in Boniato prison were forced to wash their clothes in water contaminated with feces and urine from a broken sewer pipe. Prison authorities had been aware of the contamination for 2 years but did nothing to remedy the situation.

Prison officials regularly denied prisoners other rights, such as the right to correspondence, and continued to confiscate medications and food brought by family members for political prisoners. Some prison directors routinely denied religious workers access to detainees and prisoners. Reading materials, including Bibles, were not allowed in punishment cells. Prison authorities refused to grant blind dissident Juan Carlos Gonzalez Leyva access to his Braille Bible.

In July prison officials in Ceramica Roja prison denied religious visits to political prisoner Enrique Garcia Morejon of the Christian Liberation Movement. Garcia

Morejon twice requested visits by a Catholic priest while the priest was visiting other prisoners.

There were separate prison facilities for women and for minors. Conditions of these prisons, especially for women, did not take into account the special needs of women. Human rights activists believed that conditions were poor.

The Government did not permit independent monitoring of prison conditions by international or national human rights monitoring groups. The Government has refused to allow prison visits by the International Committee of the Red Cross (ICRC) since 1989. In 2001 the Cuban Commission for Human Rights and National Reconciliation (CCHRNC), an illegal NGO, appealed to the Government to create a national commission with representatives from the Cuban Red Cross, the Ministry of Public Health, and different churches, to inspect the prisons and recommend changes to the existing situation. The CCHRNC did not receive a response from the Government.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention continued to be problems, and they remained the Government's most effective tactics for harassing opponents. The Law of Penal Procedures requires police to file formal charges and either release a detainee or bring the case before a prosecutor within 96 hours of arrest. It also requires the authorities to provide suspects with access to a lawyer within 7 days of arrest. However, the Constitution states that all legally recognized civil liberties can be denied to anyone who actively opposes the decision of the Cuban people to build socialism. The authorities routinely invoked this sweeping authority to deny due process to those detained on purported state security grounds.

The authorities routinely engaged in arbitrary arrest and detention of human rights advocates, subjecting them to interrogations, threats, and degrading treatment and unsanitary conditions for hours or days at a time. Police frequently lacked warrants when carrying out arrests or issued warrants themselves at the time of arrest. Authorities sometime employed false charges of common crimes to arrest political opponents. Detainees often were not informed of the charges against them. The CCHRNC reported a significant increase in the number of detentions in February and March. In May Amnesty International recognized the increase of arrests and harassment of dissidents, including organizers for the opposition Varela Project (*see* Section 3), and expressed concern about the increased use of violence by security forces. The authorities continued to detain human rights activists and independent journalists for short periods, often to prevent them from attending or participating in events related to human rights issues (*see* Sections 2.a. and 2.b.). The authorities also placed such activists under house arrest for short periods for similar reasons.

On January 28, police arrested Martha Beatriz Roque, director of the Cuban Institute of Independent Economists, for refusing to allow government employees to fumigate her residence against mosquitoes. Roque refused because she had suffered allergic reactions as a result of previous fumigations. State security officials took Roque to a Ministry of Health office, where she was strip searched, held for 4 hours, and released. Government officials broke into Roque's house and fumigated it while she was in detention.

On February 24, state security officials arrested independent journalist Carlos Alberto Dominguez for participating in an event commemorating the four pilots killed in February 1996 by military aircraft. He was released the same day but was arrested again on February 28 and remained jailed on charges of "contempt for authority and public disorder" (*see* Section 2.a.). At year's end, his relatives reported that Dominguez was in poor health and receiving inadequate treatment for hypertension and severe migraine headaches.

In late February, police arrested at least 300 persons near the Mexican Embassy after 21 asylum seekers used a bus to break through the gates of the embassy. Many of those arrested were reportedly bystanders not involved in the embassy intrusion. RRBs summoned by the Government to the Mexican Embassy beat some bystanders. Most bystanders were interrogated and released, but on March 6, Fidel Castro indicated that 130 of them would be tried on charges related to the embassy break-in. According to relatives, approximately 60 remained jailed at year's end; none had been tried.

On March 13, police arrested seven human rights activists in Nueva Gerona, Isle of Youth, as they conducted a public demonstration calling for democratic reforms and the release of political prisoners (*see* Sections 2.a. and 2.b.).

On March 18, state security officials arrested four leaders of the Brotherhood of Blind Cubans to prevent a demonstration against police mistreatment of handicapped street vendors and calling for the release of blind dissident Juan Carlos Gon-

zalez Leyva (*see* Sections 1.c., 2.b., and 5). Police released the four after citing them with "official warnings."

On April 17, police arrested Barbaro Vela Coego and Armando Dominguez Gonzalez, president and vice president, respectively, of the January 6 Civic Movement, to prevent their attendance at a fast in honor of political prisoners. They were held for 2 hours and released (*see* Section 2.b.).

On April 22, police arrested Milka Pena Martinez of the Cuban Pro Human Rights Party for protesting a police search of her home (*see* Section 1.f.). Police also arrested Luis Ferrer Garcia of the Christian Liberation Movement, who was present at the time, and Ramon Collazo Almaguer, who led a group of dissidents to Pena Martinez' home to protest her arrest. Pena Martinez was fined and all three were released.

On May 19, police arrested Nereida Cala Escalona and Evelio Manteira Barban as they departed a meeting in Santiago de Cuba organized by the Christian Liberation Movement. They were interrogated, threatened with imprisonment, and released on May 20.

On June 1, police arrested nine activists as they departed a human rights course at the illegal NGO Culture and Democracy Institute in Santiago de Cuba. They were interrogated and released on June 2.

On June 7, police arrested three members of the 30th of November Party in Santiago de Cuba. They were interrogated and released on June 10.

On June 14, state security officials beat and arrested independent journalist Carlos Serpa Maceira while he was covering a march by human rights activists in the Isle of Youth (*see* Section 2.a.). He was briefly detained, fined $48 (1,200 pesos), and then released.

On July 24, police arrested human rights activist Adolfo Lazaro Bosq at a vigil for political prisoners on charges of "resistance and contempt for the revolutionary process." On August 2, a municipal court sentenced him to 1 year and 9 months' imprisonment (*see* Section 1.e.).

In July state security officials arrested independent journalist Yoel Blanco Garcia and took him to a local firehouse where he was interrogated. The state security officials warned Blanco Garcia not to visit the home of Martha Beatriz Roque, director of the Cuban Institute of Independent Economists.

On July 29, state security officials arrested Rogelio Menendez Diaz, president of the Cuban Municipalities for Human Rights. He was held for 35 days in Villa Marista prison, where guards transferred him between chilled and heated cells. During interrogations, Menendez Diaz was accused of organizing clandestine cells on behalf of exile groups along with activists Angel Pablo Polanco and Marcel Valenzuela Salt, who had also been detained. Menendez Diaz was charged with "contempt against the Commander in Chief" and warned to cease opposition activities. He was released on September 2 but rearrested on December 10, apparently to prevent his participation in events commemorating International Human Rights Day. At year's end, he had not been tried and remained jailed.

On July 30, state security officials arrested independent journalist Angel Pablo Polanco and held him for 4 days in an unregistered house of detention. Polanco was 60 years old and moved with the aid of a walker. During a search of his home, state security agents removed a fax machine and a telephone which Polanco had purchased from a state company, $1,200 in cash, a tape recorder, books on Cuban history, and files related to his work as a journalist. The officials did not provide a receipt for the money or the items (*see* Section 2.a.). Polanco was charged with inciting others to commit "contempt of authority" and "insulting the symbols of the State," apparently in connection with plans by opposition groups to mark the August 5 anniversary of 1994 riots in Havana. He was accused of organizing clandestine cells along with activists Manuel Menendez Diaz and Marcel Valenzuela Salt, who had been arrested on July 29. Polanco was granted conditional release on August 3. At year's end, Polanco had not been tried.

On September 11, police arrested Luis Milan of the Christian Liberation Movement for writing a letter to municipal officials in Santiago de Cuba calling for improved prison conditions.

On December 6, police arrested Dr. Oscar Elias Biscet, a political prisoner who had been released on October 31 after serving 3 years for disrespect, creating a public disturbance, and encouraging others to violate the law. The authorities arrested Biscet and 16 others to prevent them from holding a seminar on nonviolent civil disobedience. The authorities later released 12 of the detainees, but charged Biscet, his associate Raul Arencibia Fajardo, and 2 others with public disorder, which carries a sentence of up to 1 year.

The Government often held persons without charges for months and then released them, which avoided the spectacle of a trial. Of the 36 political prisoners arrested

during the year, 6 were released without charges, including several who had been informally advised of charges but were never processed.

State security police used detentions and warnings to prevent organizations around the island from performing any actions in remembrance of the four pilots killed in February 1996 by military aircraft. As in previous years, on July 13, police prevented activists from commemorating the 1994 sinking of the "13th of March" tugboat (*see* Sections 1.d and 2.b.).

The authorities sometimes detained journalists in order to question them about contacts with foreigners or to prevent them from covering sensitive issues or criticizing the Government (*see* Section 2.a.).

Time in detention before trial counted toward time served if convicted. Bail was available and usually was low and more equivalent to a fine.

The Penal Code includes the concept of "dangerousness," defined as the "special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms." If the police decide that a person exhibits signs of dangerousness, they may bring the offender before a court or subject him to therapy or political reeducation. Government authorities regularly threatened prosecution under this provision. Both the U.N. Commission on Human Rights (UNCHR) and the IACHR criticized this tactic for its subjectivity, the summary nature of the judicial proceedings employed, the lack of legal safeguards, and the political considerations behind its application. According to the IACHR, the so-called special inclination to commit crimes referred to in the Penal Code amounted to a subjective criterion used by the Government to justify violations of individual freedoms and due process for persons whose sole crime was to hold a view different from the official view.

The Government also used exile as a tool for controlling and eliminating internal opposition. In May Amnesty International noted that the Government detained human rights activists repeatedly for short periods and threatened them with imprisonment unless they gave up their activities or left the country. The Government used these incremental, aggressive tactics to compel independent librarian Ramon Humberto Colas and Maritza Lugo Fernandez, vice president of the Democratic November 30 Party, to leave the country in December 2001 and January, respectively.

The Government pressured imprisoned human rights activists and political prisoners to apply for emigration and regularly conditioned their release on acceptance of exile. Human Rights Watch observed that the Government routinely invoked forced exile as a condition for prisoner releases and also pressured activists to leave the country to escape future prosecution. Amnesty International expressed particular concern about the Government's practice of threatening to charge, try, and imprison human rights advocates and independent journalists prior to arrest or sentencing if they did not leave the country. According to Amnesty International, this practice "effectively prevents those concerned from being able to act in public life in their own country."

e. Denial of Fair Public Trial.—The Constitution provides for independent courts; however, it explicitly subordinates the courts to the ANPP and the Council of State, which is headed by President Castro. The ANPP and its lower level counterparts choose all judges. The subordination of the courts to the Communist Party, which the Constitution designates as the superior directive force of society and the State, further compromises the judiciary's independence. The courts undermined the right to a fair trial by restricting the right to a defense and often failed to observe the few due process rights available to defendants.

Civilian courts existed at the municipal, provincial, and supreme court levels. Panels composed of a mix of professionally certified and lay judges presided over them. There was a right to appeal, access to counsel, and charges were known to the defendant. Defendants enjoyed a presumption of innocence, but the authorities often ignored this right in practice.

Military tribunals assumed jurisdiction for certain counterrevolutionary cases and were governed by a special law. The military tribunals processed civilians if a member of the military was involved with civilians in a crime. There was a right to appeal, access to counsel, and the charges were known to the defendant.

The law and trial practices did not meet international standards for fair public trials. Almost all cases were tried in less than 1 day; there were no jury trials. While most trials were public, trials were closed when there were alleged violations of state security. Prosecutors may introduce testimony from a CDR member about the revolutionary background of a defendant, which may contribute to either a longer or shorter sentence. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases such as those involving maximum prison terms or the death penalty. Appeals in capital cases are automatic. The Council of State ultimately must affirm capital punishment.

Criteria for presenting evidence, especially in cases involving human rights advocates, were arbitrary and discriminatory. Often the sole evidence provided, particularly in political cases, was the defendant's confession, usually obtained under duress and without the legal advice or knowledge of a defense lawyer (*see* Section 1.c.). The authorities regularly denied defendants access to their lawyers until the day of the trial. Several dissidents who served prison terms reported that they were tried and sentenced without counsel and were not allowed to speak on their own behalf.

The law provides the accused with the right to an attorney, but the control that the Government exerted over the livelihood of members of the state-controlled lawyers' collectives compromised their ability to represent clients, especially when they defended persons accused of state security crimes. Attorneys reported reluctance to defend those charged in political cases due to fear of jeopardizing their own careers.

On January 30, the Havana Provincial Court sentenced activist Carlos Oquendo Rodriguez to 2 years' imprisonment for "contempt for authority" and "public disorder." The provincial court confirmed the sentence levied against Oquendo Rodriguez by a municipal court in 2001 and appealed by him to the provincial court. Prior to sentencing, police officials offered to suspend Oquendo Rodriguez' sentence if he recanted his political beliefs, but Oquendo Rodriguez refused.

On August 2, a municipal court sentenced human rights activist Adolfo Lazaro Bosq to 1 year and 9 months' imprisonment for "resistance and contempt against the revolutionary process." Bosq was arrested on July 24 at a candlelight vigil for political prisoners (*see* Section 1.d.).

Vladimiro Roca Antunez of the Internal Dissident Working Group was released on May 5, after serving most of his 5-year sentence for a 1997 conviction for acts against the security of the State in relation to the crime of sedition after the group peacefully expressed their disagreement with the Government. Three other members received conditional releases in 2000.

Human rights monitoring groups inside the country estimated the number of political prisoners to be between 230 and 300 persons. At year's end, the CCHRNC reported that 36 political prisoners had been arrested and that there were 248 political prisoners in the country; at the end of 2001, the CCHRNC had reported 240 political prisoners. The CCHRNC noted that since the Government refused to publish the number of prisoners in the country, its figures were based on information obtained from family members of prisoners. A spokesperson for the CCHRNC noted an end to a recent downward trend in the numbers of political prisoners, with an increase in detentions in February and March (*see* Section 1.d.). The authorities imprisoned persons on charges such as disseminating enemy propaganda, illicit association, contempt for the authorities (usually for criticizing President Castro), clandestine printing, or the broad charge of rebellion, which often was brought against advocates of peaceful democratic change. The Government did not permit access to political prisoners by human rights organizations. It continued to deny access to prisoners by the ICRC.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Although the Constitution provides for the inviolability of a citizen's home and correspondence, official surveillance of private and family affairs by government-controlled mass organizations, such as the CDRs, remained one of the most pervasive and repressive features of daily life. The State assumed the right to interfere in the lives of citizens, even those who did not oppose the Government and its practices actively. The authorities utilized a wide range of social controls. The mass organizations' ostensible purpose was to improve the citizenry, but in fact their goal was to discover and discourage nonconformity. Citizen participation in these mass organizations declined; the economic crisis both reduced the Government's ability to provide material incentives for their participation and forced many persons to engage in black market activities, which the mass organizations were supposed to report to the authorities.

The Interior Ministry employed an intricate system of informants and block committees (the CDRs) to monitor and control public opinion. While less capable than in the past, CDRs continued to report on suspicious activity, including conspicuous consumption; unauthorized meetings, including those with foreigners; and defiant attitudes toward the Government and the revolution.

The Government controlled all access to the Internet, and all electronic mail messages were subject to censorship. Dial-up Internet service was prohibitively expensive for most citizens. The Interior Ministry's Department of State Security often read international correspondence and monitored overseas telephone calls and conversations with foreigners. The Government also monitored domestic phone calls and correspondence. The Government sometimes denied telephone service to political dissidents. Cell phones were generally not available to average citizens.

Dolia Leal Francisco of the Cuban Institute of Independent Economists reported that state security officials pressured her local CDR to deny her home telephone service because of her "counterrevolutionary activities." State security officials threatened to terminate telephone service of Leal Francisco's neighbors if they allowed her to use their phones. A CDR member and a state security agent warned one neighbor that she would lose her job and that her daughter's education would be affected if she allowed Leal Francisco access to a telephone.

On February 8, state security officials threatened to evict activist Adonis Castro Martinez from his home, which he had rented for 4 years from his employer, the Ministry of Health, because he had used the home for meetings of the Cuban Pro Human Rights Party Affiliated with the Andrei Sakharov Foundation (*see* Section 2.b.).

In late March, police instructed a neighbor of independent labor organizers Luis Sergio Nunez and Gabriel Sanchez of the Independent National Labor Organization to report on any calls made by them from her telephone (*see* Section 6.b.).

On April 22, police arrested Milka Pena Martinez of the Cuban Pro Human Rights Party for protesting a police search of her home (*see* Section 1.d.). Police claimed to be searching for an individual who did not live at that residence. Asked by Pena Martinez to produce a warrant, a police lieutenant wrote out a warrant on a blank sheet of paper. Police also arrested Luis Ferrer Garcia of the Christian Liberation Movement, who was present at the time of the search of Pena Martinez' home, and Ramon Collazo Almaguer, who led a group of dissidents to Pena Martinez' home to protest her arrest. All three were released after Pena Martinez was fined $80 (2,000 pesos) for being unable to explain the presence of a large quantity of flour in her home.

On May 8, telephone service was cut to the home of Luis Octavio Garcia Gonzalez, spokesman for the Cuban Pro Human Rights Party Affiliated with the Andrei Sakharov Foundation. When service was restored, unknown persons made repeated calls to Garcia Gonzalez shouting revolutionary slogans.

On May 17, police went to the home of Pedro Veliz, president of the Independent Medical School of Cuba, and instructed him to leave Havana for the day to prevent his attendance in ceremonies marking the founding of a prerevolutionary political party (*see* Section 2.b.). Veliz, along with his wife and children, were forced to leave their home and were followed by state security officials until they left the city.

On June 2, the National Office for the Receipt of Information on Human Rights Violations in Cuba reported that workers at a popular cyber cafe had been instructed to review all outgoing e-mails and to track websites viewed by individual patrons.

On June 19, state security officials threatened to block the university admission of the son of human rights activists Carmen Luz Figueredo and Sergio Gomez Fernandez because of their failure to sign a government petition making socialism an "untouchable" element of the Constitution. That same day, CDR officials warned independent journalist Carlos Serpa Maceira that his public refusal to sign that government petition threatened his 9-year-old daughter's future. In late June, directors of an agricultural cooperative in Camaguey province suspended food subsidies to cooperative member Jorge de Armas for failing to sign the Government petition (*see* Section 3).

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana. For example, on June 1, police in Havana province arrived in the neighborhood of Buena Esperanza to remove persons from eastern Cuba living in the area without authorization. An unknown number of men were removed in trucks on that date, while women and children were given 72 hours to depart (*see* Section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for citizens' freedoms of speech and press insofar as they "conform to the aims of socialist society." This clause effectively bars free speech. In law and in practice, the Government did not allow criticism of the revolution or its leaders. Laws against antigovernment propaganda, graffiti, and disrespect of officials impose penalties between 3 months and 1 year in prison. If President Castro or members of the ANPP or Council of State were the objects of criticism, the sentence could be extended to 3 years. Charges of disseminating enemy propaganda, which included merely expressing opinions at odds with those of the Government, could bring sentences of up to 14 years. In the Government's view, such materials as the Universal Declaration of Human Rights, international reports of human rights violations, and mainstream foreign newspapers and magazines constituted enemy propaganda. Local CDRs inhibited freedom of speech by monitoring and reporting dissent or criticism. Police and state se-

curity officials regularly harassed, threatened, and otherwise abused human rights advocates in public and private as a means of intimidation and control.

The Constitution states that print and electronic media are state property and can never become private property. The Communist Party controlled all media except for a few small church-run publications. Even the church-run publications, denied access to mass printing equipment, were subject to governmental pressure. Vitral magazine, a publication of the diocese of Pinar del Rio, continued to publish during the year.

Citizens did not have the right to receive publications from abroad, although news stands in hotels for foreigners and certain hard currency stores sold foreign newspapers and magazines. The Government continued to jam the transmission of Radio Marti and Television Marti. Radio Marti broadcasts at times overcame the jamming attempts on short-wave bands, but its medium-wave transmissions were blocked completely in Havana. Security agents subjected dissidents, foreign diplomats, and journalists to harassment and surveillance, including electronic surveillance.

All legal media must operate under party guidelines and reflect government views. The Government attempted to shape media coverage to such a degree that it not only exerted pressure on domestic journalists but also pressured groups normally outside the official realm of control, such as visiting international correspondents.

The 1999 Law to Protect National Independence and the Economy outlaws a broad range of activities that undermine state security and toughens penalties for criminal activity. Under the law, anyone possessing or disseminating literature deemed subversive, or supplying information that could be used by U.S. authorities in the application of U.S. legislation, may be subject to fines and prison terms of 7 to 20 years. While many activities between citizens and foreigners possibly could fall within the purview of this law, it appeared to be aimed primarily at independent journalists; however, no one has been tried under this law.

The Government continued to threaten independent journalists, either anonymously or openly, with arrests and convictions based on the 1999 law. Some journalists were threatened repeatedly since the law took effect. Independent journalists noted that the law's very existence affected their activities and increased self-censorship, and some said that it was the Government's most effective tool to harass members of the independent press.

The Government continued to subject independent journalists to internal travel bans; arbitrary and periodic detentions (overnight or longer); harassment of family and friends; seizures of computers, office, and photographic equipment; and repeated threats of prolonged imprisonment (*see* Sections 1.d., 1.f., and 2.d.). Independent journalists in Havana reported that threatening phone calls and harassment of family members continued during the year. Dozens of reporters were detained repeatedly. The authorities also placed journalists under house arrest to prevent them from reporting on conferences sponsored by human rights activists, human rights events, and court cases against activists. Independent journalists reported that detentions, threats, and harassment were more severe in the provinces than in the capital. Amnesty International, Human Rights Watch, the Inter-American Press Association, Reporters Without Borders (RSF), and the Committee to Protect Journalists repeatedly called international attention to the Government's continued practice of detaining independent journalists and others simply for exercising their right to free speech. In addition, police increasingly tried to prevent independent journalists from covering so-called sensitive events (*see* Section 1.d.).

On February 24, state security officials arrested independent journalist Carlos Alberto Dominguez for participating in a commemoration of the four civilian pilots killed in February 1996 by military aircraft (*see* Section 1.d.).

On February 28, police beat a British and an Italian journalist as they were filming asylum seekers breaking into the Mexican Embassy (*see* Section 1.d.). Castro ordered an investigation into the beating of the pair, and the Foreign Minister apologized to both journalists for their mistreatment.

On March 4, state security officials arrested independent journalist Carlos Brizuela Yera while he and nine other activists were protesting the earlier beating of an independent journalist during which police beat and arrested blind dissident Juan Carlos Gonzalez Leyva (*see* Section 1.d.). In August prosecutors charged Brizuela with "public disorder, contempt for authority, resistance, and disobedience." He had not been tried by year's end and remained in jail.

On March 5, RSF protested the detention of independent journalists Jesus Alvarez Castillo, Lexter Tellez Castro, Carlos Brizuela Yara, Normando Hernandez, and Juan Basulto Morell in various incidents. RSF requested that Interior Minister General Abelardo Colome punish the authorities responsible for the arrests. At year's end, the Government had not responded to that request.

On June 7, a state security official threatened to arrest the president of the Independent Human Rights Center in Santiago de Cuba if he did not cease providing information to foreign radio stations.

On June 14, state security officials beat and arrested independent journalist Carlos Serpa Maceira while he was covering a march by human rights activists on the Isle of Youth (*see* Section 1.d.).

In October the authorities seized material from a French journalist departing the country, according to RSF.

In December RSF released a report "Cuba, where news is the exclusive reserve of the State," which criticized the complete absence of freedom of the press. RSF also described the constant harassment of independent journalists and the prison conditions faced by independent journalists jailed for trying to practice their profession (*see* Section 1.c.).

In February 2001, Edel Garcia, director of the Central Norte del Pais press agency, was detained for 12 hours to prevent him from participating in the commemoration of two planes that were shot down by military aircraft in international airspace in 1996. At year's end, Garcia was not in detention, and his trial on charges of collaborating with the enemy, providing information to Radio Marti, and conspiracy to commit crimes and espionage remained pending.

Jesus and Jadir Hernandez of Havana-Press were charged with trafficking in illegal migrants and collaboration with a foreign mission in 2000; their trial was pending at year's end.

During the year, at least five independent journalists were denied the right to emigrate, including Manuel Vazquez Portal, Edel Morales, Jorge Olivera, Dorka Cespedes, and Normando Hernandez.

The authorities often confiscated equipment when arresting journalists, particularly photographic and recording equipment. It was possible to buy a fax machine or computer, payable in dollars; if a receipt could be produced, the equipment usually was not confiscated. However, police seized a telephone and fax machine from independent journalist Angel Pablo Polanco despite the fact that he demonstrated proof of purchase in the country for both items (*see* Section 1.d.). Photocopiers and printers either were impossible to find on the local market or were not sold to individuals, which made them a particularly valuable commodity for journalists.

Resident foreign correspondents reported that the very high level of government pressure experienced since 2000, including official and informal complaints about articles, continued throughout the year. The Government exercised its ability to control members of the resident foreign press by requiring them to obtain a government exit permit each time they wished to leave the country.

Distribution of information continued to be controlled tightly. Importation of foreign literature was controlled, and the public had no access to foreign magazines or newspapers. Leading members of the Government asserted that citizens did not read foreign newspapers and magazines to obtain news because they did not speak English and had access to the daily televised round tables on issues with which they needed to concern themselves. The Government sometimes barred independent libraries from receiving materials from abroad and seized materials donated by foreign diplomats.

The Government controlled all access to the Internet, and all electronic mail messages were subject to censorship. Access to computers and peripheral equipment was limited, and the Internet only could be accessed through government-approved institutions. Dial-up access to government-approved servers was prohibitively expensive for most citizens. E-mail use grew slowly as the Government allowed access to more users; however, the Government generally controlled its use, and only very few persons or groups had access. The Government opened a national Internet gateway to some journalists, artists, and municipal-level youth community centers, but the authorities continued to restrict the types and numbers of international sites that could be accessed.

The Government officially prohibits all diplomatic missions in Havana from printing or distributing publications, particularly newspapers and newspaper clippings, unless these publications exclusively address conditions in a mission's home country and prior government approval is received. Many missions did not accept this requirement and distributed materials; however, the Government's threats to expel embassy officers who provided published materials had a chilling effect on some missions.

The Government restricted literary and academic freedoms and continued to emphasize the importance of reinforcing revolutionary ideology and discipline over any freedom of expression. The educational system taught that the State's interests took precedence over all other commitments. Academics and other government officials were prohibited from meeting with some diplomats without prior approval from the

Ministry of Foreign Affairs. The Ministry of Education required teachers to evaluate students' and their parents' ideological character and to place such evaluations in school records. These reports directly affected students' educational and career prospects. As a matter of policy, the Government demanded that teaching materials for courses such as mathematics or literature have an ideological content. Government efforts to undermine dissidents included denying them advanced education and professional opportunities. President Castro stated publicly that the universities were available only to those who shared his revolutionary beliefs.

Artistic expression was less restricted. The Government encouraged the cultural community to attain the highest international standards in order to sell its work overseas for hard currency. However, in 2000 the Government began implementing a program called "Broadening of Culture" that tied art, socialism, and modern "revolutionary" ideology and legends into its own vision of culture. The Government used the Government media and the schools to impose this vision on the public, particularly the youth.

b. Freedom of Peaceful Assembly and Association.—Although the Constitution grants limited rights of assembly and association, these rights are subject to the requirement that they may not be "exercised against the existence and objectives of the Socialist State." The law punishes any unauthorized assembly of more than three persons, including those for private religious services in private homes, by up to 3 months in prison and a fine. The authorities selectively enforced this prohibition and often used it as a legal pretext to harass and imprison human rights advocates.

The Government's policy of selectively authorizing the Catholic Church to hold outdoor processions at specific locations on important feast days continued during the year. On September 8, the Government permitted for the fifth consecutive year a procession in connection with Masses in celebration of the feast day of Our Lady of Charity in Havana. A number of activists participated in the procession. Police in Santiago de Cuba warned several dissidents in that city not to attend a procession for Our Lady of Charity (*see* Section 2.c.). There were no reports that processions were denied permits during the year.

The authorities never have approved a public meeting by a human rights group and often detained activists to prevent them from attending meetings, demonstrations, or ceremonies (*see* Section 1.d.). Asked by a foreign correspondent in October whether his government obstructed demonstrations, President Castro responded that he had "no need to control what does not occur." There were unapproved meetings and demonstrations, which the Government frequently disrupted or attempted to prevent. The authorities sometimes used or incited violence against peaceful demonstrators.

On December 10, the authorities monitored, but did not block, a commemoration of International Human Rights Day by more than 50 persons at the home of dissident Martha Beatriz Roque. Police did not impede similar activities at the home of dissident Odilia Collazos and other sites throughout the country. Roque reported that 1,300 people across the country participated in commemorations, most of which the Government monitored but did not obstruct. However, police arrested Rogelio Menendez and two others in Havana to prevent their participation in December 10 ceremonies (*see* Section 1.d.).

In February state security officials threatened to evict an activist from his home because he had used the home for meetings of the Cuban Pro Human Rights Party Affiliated with the Andrei Sakharov Foundation (*see* Section 2.b.). Also in February, state security officers detained prodemocracy activists in different parts of the country to prevent them from staging activities commemorating the 1996 shooting down of two civilian aircraft in international airspace (*see* Sections 1.d. and 2.a.).

On March 13, police arrested seven human rights activists in Nueva Gerona, Isle of Youth, as they conducted a public demonstration calling for democratic reforms and the release of political prisoners (*see* Section 1.d.). Police beat the activists as they were conducting a silent march and took them to a local police station. They were fined and released.

On March 18, state security officials arrested four leaders of the Brotherhood of Blind Cubans to prevent a demonstration against police mistreatment of handicapped street vendors and to call for the release of blind dissident Juan Carlos Gonzalez Leyva (*see* Sections 1.c. and 5). Police released the four after issuing them "official warnings." Earlier, on March 4, police arrested protesters at the public hospital in Ciego de Avila.

On April 1, police called Alberto Fernandez Silva and Humberto Echevarria Herrera of the Cuban Pro Human Rights Party Affiliated with the Andrei Sakharov Foundation to a local police station to warn them that they would be imprisoned if their organization did not cease all meetings, masses, and vigils.

On April 17, police arrested Barbaro Vela Coego and Armando Dominguez Gonzalez, president and vice president, respectively, of the January 6 Civic Movement, to prevent their attendance at a fast in honor of political prisoners. They were held for 2 hours and released (*see* Section 1.d.).

On May 17, police went to the home of Pedro Veliz, president of the Independent Medical School of Cuba, and instructed him to leave Havana to prevent his attendance at ceremonies marking the anniversary of a prerevolutionary political party (*see* Section 1.f.).

On May 25, police beat and arrested four members of the Cuban Pro Human Rights Party Affiliated with the Andrei Sakharov Foundation who were on their way to a Mass in honor of a dissident figure (*see* Section 2.c.). The four were searched, threatened with imprisonment, fined, and released.

On June 1, police arrested nine activists as they departed a human rights course at the Culture and Democracy Institute in Santiago de Cuba (*see* Section 1.d.). They were interrogated and released on June 2.

On June 7, police forcefully removed 17 persons from the home of activist Migdalia Rosado Hernandez, where the group was commemorating the second anniversary of the Tamarindo 34 hunger strike. The police took 14 persons far from their homes and abandoned them by the roadside. Three others were fined and released.

On June 24, police blocked access to the home of activist Francisco Moure Saladriga to prevent a meeting of members of the Cuban Human Rights Party scheduled for that day.

In July state security officials in Santiago de Cuba warned activists Evelio Manteira Barban, Orestes Alberto Alvarez, Manuel de Jesus Nario, Joaquin Jimenez Hernandez, and Carlos Jimenez Cespedes that they would be beaten and arrested if they held events commemorating the sinking of the "13th of March" tugboat.

In early August, state security officials warned opposition activists who were planning protests to coincide with the eighth anniversary of the antigovernment riot that took place in Havana on August 5, 1994 that they would be jailed if they participated in such events. Independent journalist Angel Pablo Polanco and activists Rogelio Menendez Diaz and Marcel Valenzuela Salt were arrested on suspicion that they were organizing protests for August 5 (*see* Section 1.d.).

On September 7, state security officials in Santiago de Cuba warned Orestes Alberto Alvarez Vega not to attend a Mass in honor of Our Lady of Charity (*see* Section 2.c.).

The Government organized marches on May Day and held a rally, "Tribuna Abierta," every Saturday in a different municipality in the country. There was both radio and television coverage of the weekly rally.

The Government generally denied citizens the freedom of association. The Penal Code specifically outlaws illegal or unrecognized groups. The Minister of Justice, in consultation with the Interior Ministry, decides whether to give organizations legal recognition. The authorities never have approved the existence of a human rights group. However, there were a number of professional associations that operated as NGOs without legal recognition, including the Association of Independent Teachers, the Association of Independent Lawyers (Agramonte), the Association of Independent Architects and Engineers, and several independent journalist organizations.

Recognized churches (*see* Section 2.c.), the Roman Catholic humanitarian organization Caritas, the Masonic Lodge, small human rights groups, and a number of nascent fraternal or professional organizations were the only associations outside the control or influence of the State, the Communist Party, and their mass organizations. With the exception of the Masons, who had been established in the country for more than a century, the authorities continued to ignore those groups' applications for legal recognition, thereby subjecting members to potential charges of illegal association. All other legally recognized NGOs were affiliated at least nominally with or controlled by the Government.

c. Freedom of Religion.—The Constitution recognizes the right of citizens to profess and practice any religious belief within the framework of respect for the law; however, in law and in practice, the Government continued to restrict freedom of religion. In general, unregistered religious groups continued to experience various degrees of official interference, harassment, and repression. The Government's main interaction with religious denominations was through the Office of Religious Affairs of the Communist Party. The Ministry of Interior engaged in active efforts to control and monitor the country's religious institutions, including through surveillance, infiltration, and harassment of religious professionals and practitioners. The Government's policy of permitting apolitical religious activity to take place in government-approved sites remained unchanged; however, citizens worshiping in officially sanc-

tioned churches often were subjected to surveillance by state security forces, and the Government's efforts to maintain a strong degree of control over religion continued.

The Constitution provides for the separation of church and State. In 1991 the Government allowed religious adherents to join the Communist Party. A 1992 constitutional amendment prohibits religious discrimination and removed references to "scientific materialism," (i.e., atheism) as the basis for the State. Members of the armed forces did not attend religious services in uniform, probably to avoid possible reprimand by superiors.

The Government requires churches and other religious groups to register with the provincial registry of associations within the Ministry of the Interior to obtain official recognition. In practice the Government refused to recognize new denominations; however, the Government tolerated some religions on the island, such as the Baha'i Faith. Unregistered religious groups were subject to official interference, harassment, and repression. The Government, with occasional exceptions, prohibited the construction of new churches, forcing many growing congregations to violate the law and meet in private homes. In October the Government authorized the Greek Orthodox Church to build a church in Havana.

Government harassment of private houses of worship continued, with evangelical denominations reporting evictions from houses used for these purposes. According to the Cuban Council of Churches (CCC) officials, most of the private houses of worship that the Government closed were unregistered, making them technically illegal. In addition, CCC Pentecostal members complained about the preaching activities of foreign missionaries that led some of their members to establish new denominations without obtaining the required permits. Because of these complaints by the Pentecostals, the CCC formally requested overseas member church organizations to assist them in dissuading foreign missionaries from establishing Pentecostal churches.

In 1998 following Pope John Paul II's visit, the country's Roman Catholic bishops called on the Government to recognize the Catholic Church's role in civil society and the family, as well as in the temporal areas of work, the economy, the arts, and the scientific and technical worlds. The Government continued to limit the Catholic Church's access to the media and to the Internet and refused to allow the Catholic Church to have a legal independent printing capability. It maintained a prohibition against the establishment of religious-affiliated schools.

In September local government authorities, for the fifth consecutive year, allowed the Catholic Church to hold an outdoor procession to mark the feast day of Our Lady of Charity in Havana (*see* Section 2.b.). Although visibly present, state security personnel did not harass any participants or observers as they did in 1998. However, in Santiago, prior to the procession, security police ordered a number of human rights activists not to attend the procession.

In 1998 the Government announced that henceforth citizens would be allowed to celebrate Christmas as an official holiday. (The holiday had been cancelled, ostensibly to spur the sugar harvest, in 1969 and restored in 1997 as part of the preparations for the Pope's 1998 visit.) However, the Government maintained a 1995 decree prohibiting nativity scenes in public buildings.

The Government allowed 9 priests and 12 nuns to enter the country to replace other priests and nuns whose visas had expired. The applications of 60 priests and other religious workers remained pending at year's end.

In the past several years, the Government relaxed restrictions on some religious denominations, including Seventh-day Adventists and Jehovah's Witnesses. Jehovah's Witnesses, once considered "active religious enemies of the revolution," were allowed to proselytize door-to-door and generally were not subjected to overt government harassment, although there were sporadic reports of harassment by local Communist Party and government officials.

Education is secular, and no religious educational institutions are allowed. There were no reports that parents were restricted from teaching religion to their children.

The Government continued to prevent any national or joint enterprise (except those with specific authorization) from selling computers, fax machines, photocopiers, or other equipment to any church at other than official—and exorbitant—retail prices. There was no restriction on the importation of religious literature and symbols if imported by a registered religious group in accordance with the proper procedures. In punishment cells, prisoners were denied access to reading materials, including Bibles (*see* Section 1.c.).

The CCC continued to broadcast a monthly 15-minute program on a national classical music radio station on the condition that the program could not include material of a political character.

State security officials visited some priests and pastors prior to significant religious events, ostensibly to warn them that dissidents were trying to "use the

Church"; however, some critics claimed that these visits were done in an effort to foster mistrust between the churches and human rights or prodemocracy activists. State security officers also regularly harassed human rights advocates who sought to attend religious services commemorating special feast days or before significant national days, sometimes entering churches and disrupting religious ceremonies.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government severely restricted freedom of movement. The Government generally did not impose legal restrictions on domestic travel; however, it limited migration to Havana, and initially restricted persons found to be HIV-positive to sanatoriums for treatment and therapy before conditionally releasing them into the community. For the past several years, state security officials prohibited human rights advocates and independent journalists from traveling outside their home provinces, and the Government also sentenced others to internal exile.

On April 24, a local official in Puerto Padre, Las Tunas province, encouraged the expulsion of Alfredo Dominguez Batista, Rigoberto Pena Hernandez, and Hector Sanchez Garcia from that city for their activities in support of the Varela Project. The two men were harassed but were able to continue their work.

In July state security officials prevented human rights activist Jose Manuel Rivas Medina of the Isle of Pines Human Rights Foundation from departing the Isle of Youth for meetings in Havana. On July 1, two state security agents prevented Rivas Medina from boarding a flight to Havana. The next day, the same officials prevented Rivas Medina from boarding a ferry and threatened to arrest him if he persisted in his efforts to visit Havana.

Decree 217 prohibits persons in other provinces from moving into Havana on the grounds that if internal migration was left unchecked, the city's problems regarding housing, public transport, water, and electrical supplies would become worse; visits to the city were permissible. Police frequently checked the identification of persons on the streets, and if someone from another province was found living in Havana illegally, that person was fined $12 (300 pesos) and sent back home. Fines were $40 (1,000 pesos) for those who resided illegally in the neighborhoods of Old Havana and Cerro. Human rights observers noted that while the decree affected migration countrywide, it targeted individuals and families predominantly of African descent from the more impoverished eastern provinces.

On June 1, police in Havana province entered the neighborhood of Buena Esperanza to remove persons from the eastern provinces living in the area without authorization. An unknown number of men were removed in trucks on that date, while women and children were given 72 hours to depart (*see* Section 1.d.).

The Government imposed some restrictions on both emigration and temporary foreign travel. The Government allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart; however, in certain cases the authorities delayed or denied exit permits, usually without explanation. Some denials involved professionals who tried to emigrate and whom the Government subsequently banned from working in their occupational fields. The Government refused permission to others because it considered their cases sensitive for political or state security reasons. Resolution 54 denies exit permits to medical professionals until they have performed 3 to 5 years of service in their profession after requesting permission to travel abroad. This regulation, normally applied to recent graduates, was not published officially and may have applied to other professionals as well.

The Independent Human Rights Center in Santiago reported that the Government had denied exit permits to medical professionals Milagro Beaton Betancourt, Nayibe Sarda Sabatel, Angel Edmundo Fernandez Petell, Hector Arias, Raul Rizo, and Ariel Valverde Cuevas. The Government usually denied exit permits to the family members of doctors performing regional medical missions, a practice intended to discourage such personnel from seeking asylum or emigrating.

In July immigration officials denied an exit permit to Elizardo Sanchez Santa Cruz to attend a human rights conference in Guatemala. Sanchez subsequently received an exit permit for a family visit.

In July immigration officials withdrew authorization they had previously granted to independent librarian Gisela Delgado Sablon to receive a human rights award abroad.

In September immigration officials informed Christian Liberation Movement leader Oswaldo Jose Paya Sardinas that he needed authorization from the Minister of Health before they would process his request for an exit permit. Paya is an X-ray equipment technician employed by a state company that falls under the authority of the Ministry of Health. After several months' delay and after pressure from foreign governments, the Government granted Paya an exit permit the day after un-

known persons left threatening placards in front of his home. Paya had requested an exit permit to receive a human rights award abroad for his leadership of the Varela Project (*see* Section 3). On December 18, the European Parliament awarded Paya the Sakharov Prize for Freedom of Thought.

In September immigration authorities informed dissident Vladimiro Roca that they had up to 30 days to determine whether they would issue an exit permit to "people like him," apparently referring to his status as a released political prisoner, rather than the 15 days required for most applications. Roca requested an exit permit to receive a human rights award abroad. In December the Government formally denied Roca's request and refused to explain why his application had been rejected.

On October 4, immigration officials denied independent economist Martha Beatriz Roque's request for an exit permit to travel to receive a human rights award abroad. Before denying her application, immigration officials forced Roque to return numerous times to produce documents—such as her ration card—not normally required for applications for temporary travel.

In March 2001, immigration officials prevented independent journalist Oswaldo de Cespedes and his family from boarding their flight as political refugees. De Cespedes was informed that his exit permit had been canceled. A migration official later told him that the exit permit was canceled "for interests of the State." His family was allowed to leave at a later date and de Cespedes was allowed to depart early in the year.

The Government routinely denied exit permits to young men approaching the age of military service, and until they reached the age of 27, even when it authorized other family members to leave. However, in most of those cases approved for migration to the United States under the September 1, 1994, U.S.-Cuban migration agreement, the applicants eventually received exemption from obligatory service and were granted exit permits.

The Government has a policy of denying exit permission for several years to relatives of individuals who successfully migrated illegally (e.g., merchant seamen who defected while overseas and sports figures who defected while on tours abroad).

Migrants who travel to the United States must pay the Government a total of $600 per adult and $400 per child, plus airfare. These government fees for medical exam, passport, and exit visa—which must be paid in dollars—were equivalent to about 5 years of a professional person's accumulated peso salary and represented a significant hardship, particularly for political refugees who usually were marginalized and had no income. In 1996 the Government agreed to allow 1,000 needy refugees to leave each year with reduced exit fees. However, after the first group of 1,000 in 1996, no further refugees were accorded reduced fees. At year's end, of the 1,259 persons pending travel, 23 approved refugees remained in the country because they were unable to pay government exit fees for themselves and their families.

The Penal Code provides for imprisonment of up to 3 years or a fine of $12 to $40 (300 to 1,000 pesos) for unauthorized departures by boat or raft. The office of the U.N. High Commissioner for Refugees (UNHCR) stated that it regarded any sentence of more than 1 year for simple illegal exit as harsh and excessive. Under the terms of the May 2, 1995, U.S.-Cuba Migration Accord, the Government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Base at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense.

In 1994 the Government eased restrictions on visits by and repatriations of Cuban emigrants. Citizens who established residency abroad and who were in possession of government-issued permits to reside abroad may travel to the country without visas. Persons at least 18 years of age are eligible to travel abroad and may stay abroad up to 11 months. In 1995 the Government announced that emigrants who were considered not to have engaged in so-called hostile actions against the Government and who were not subject to criminal proceedings in their countries of residence could apply at Cuban consulates for renewable, 2-year multiple-entry travel authorizations. However, in 1999 the Government announced that it would deny entry permits for emigrants who had left the country illegally after September 1994. It remained unclear whether the Government actually was implementing such a policy.

The Constitution provides for the granting of asylum to individuals persecuted "for their ideals or struggles for democratic rights against imperialism, fascism, colonialism, and neocolonialism; against discrimination and racism; for national liberation; for the rights of workers, peasants, and students; for their progressive political, scientific, artistic, and literary activities; and for socialism and peace." However, the Government has no formal mechanism to process asylum for foreign nationals. Nonetheless, the Government honors the principle of first asylum and provided it

to a small number of persons. There was no information available on its use during the year.

A total of 45 persons applied for refugee status during the year, of which 9 were approved; according to the UNHCR, there were 1,005 refugees in the country.

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

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

Citizens do not have the legal right to change their government or to advocate change, and the Government retaliated systematically against those who sought peaceful political change. The Constitution proscribes any political organization other than the Communist Party. During the year, the Government amended the Constitution to restrict further citizens' rights to change the Government, making socialism the "irrevocable" basis of the Constitution. While the Constitution provides for direct election of provincial, municipal, and ANPP members, the candidates for provincial and national office must be approved in advance by mass organizations controlled by the Government. In practice a small group of leaders, under the direction of President Castro, selected the members of the highest policy-making bodies of the Communist Party: The Politburo and the Central Committee.

The authorities tightly controlled the selection of candidates and all elections for government and party positions. The candidacy committees were composed of members of government-controlled mass organizations such as the Confederation of Cuban Workers (CTC) and the CDRs and were responsible for selecting candidates, whose names then were sent to municipal assemblies that selected a single candidate for each regional seat in the ANPP. An opposition or independent candidate never has been allowed to run for national office.

In January 1998, the Government held national elections in which 601 candidates were approved to compete for the 601 seats in the National Assembly. According to the official state media, the candidates were voted in by more than 93 percent of the electorate. No candidates with views independent from or in opposition to the Government were allowed to run, and no views contrary to the Government or the Communist Party were expressed in the Government-controlled national media. The Government saturated the media and used government ministries, Communist Party entities, and mass organizations to urge voters to cast a "unified vote" where marking one box automatically selected all candidates on the ballot form. In practice the Communist Party approved candidates for all offices. A small minority of candidates did not belong formally to the Communist Party. The Communist Party was the only political party allowed to participate in the elections.

Deputies in the National Assembly, delegates in the provincial assemblies, and members of the Council of State are elected during general elections every 5 years. Municipal elections are held every 2½ years to elect 14,686 local representatives to the municipal assemblies, the lowest level of the Government's structure. In October the Government held elections for local representatives to the municipal assemblies. Government newspapers reported that 95 percent of voters participated in the election, compared with 98 percent in 2000. Slightly less than 50 percent of those elected were incumbents, 22 percent were women, and 6 percent of all candidates were between the ages of 16 and 30. The reports also claimed that nationwide the number of blank ballots remained steady at 2.8 percent and the number of annulled ballots decreased from 3 percent to 2.4 percent.

Although not a formal requirement, in practice Communist Party membership was a prerequisite for high-level official positions and professional advancement.

The Government rejected any change to the political system judged incompatible with the revolution and ignored and actively suppressed calls for democratic reform. On May 10, opposition organization All United (Todos Unidos) delivered a petition to the National Assembly proposing a five-point national referendum on political and economic reforms. This effort, known as the Varela Project and led by Christian Liberation Movement leader Oswaldo Paya, was based on Article 88 of the 1976 Constitution, which permits citizens to propose legislation if such proposals are backed by at least 10,000 citizens; the Varela petition had 11,020 signatures. The Varela Project called for an end to limits on freedom of association, an amnesty for nonviolent political prisoners, reduced barriers to private enterprise, electoral reforms, and free elections within a year of the referendum. In an apparent effort to reject the Varela Project without publicly addressing it, the Government mobilized citizens to sign a petition making the socialist character of the Constitution "untouchable." The Government claimed that 99.37 percent of eligible voters signed the Government petition requesting such a modification to the Constitution. The National Assembly unanimously passed the amendment making socialism the "irrev-

ocable" basis of the Constitution. The changes did not rescind the right of citizens to propose legislation, and Varela organizers continued to collect signatures in support of their proposal. Government officials harassed persons working in support of Project Varela, retaliated against some persons who signed that petition, and retaliated against some persons who did not sign the Government petition (*see* Section 1.f.).

Government leadership positions continued to be dominated by men. There were no legal impediments to women voting, holding political office, or rising to political leadership; however, there were very few women or minorities in policymaking positions in the Government or the Party. There were 2 women in the 24-member Politburo and 18 in the 150-member Central Committee. Women held 28 percent of the seats in the 601-seat National Assembly. Although blacks and persons of African descent made up more than half the population, they held only six seats in the Politburo. The National Assembly was approximately 42 percent mulatto or mestizo, 40 percent white, 17 percent black, and 1 percent other.

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

The Government did not recognize any domestic human rights groups or permit them to function legally. The Government subjected domestic human rights advocates to intense intimidation, harassment, and repression. In violation of its own statutes, the Government refused to consider applications for legal recognition submitted by human rights monitoring groups (*see* Section 2.b.).

Dissidents generally believed that most human rights organizations were infiltrated and subjected to constant surveillance. Activists believed that some of the dissidents were either state security officials or were persons attempting to qualify for refugee status to leave the country. It was a crime punishable by 8 to 15 years' imprisonment publicly to identify suspected state infiltrators.

In its 1997 report, the IACHR examined measures taken by the Government and found that they did not "comprise the bedrock of a substantive reform in the present political system that would permit the ideological and partisan pluralism implicit in the wellspring from which a democratic system of government develops." The IACHR recommended that the Government provide reasonable safeguards to prevent violations of human rights, unconditionally release political prisoners and those jailed for trying to leave the country, abolish the concept of dangerousness in the Penal Code, eliminate other legal restriction on basic freedoms, cease harassing human rights groups, and establish a separation of powers so that the judiciary no longer would be subordinate to political power (*see* Sections 1.c. and 1.e.).

The Government steadfastly rejected international human rights monitoring. In 1992 the country's U.N. representative stated that the Government would not recognize the mandate of the U.N. Commission on Human Rights on Cuba and would not cooperate with the Special Rapporteur on Cuba, despite being a UNCHR member. This policy remained unchanged, and the Government refused even to acknowledge requests by the Special Rapporteur to visit the country. On April 19, the UNCHR passed a resolution that expressed concern about the human rights situation in the country and renewed the mandate of the Special Rapporteur on Cuba. At year's end, the Government had not allowed the Rapporteur to visit Cuba as required by the UNCHR resolution.

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

The country is a multiracial society with a black and mixed-race majority. The Constitution forbids discrimination based on race, sex, or national origin; however, evidence suggested that racial discrimination occurred frequently.

Women.—Violent crime rarely was reported in the press, and there was no publicly available data regarding the incidence of domestic violence and rape; however, human rights advocates reported that violence against women was a problem. The law establishes strict penalties for rape, and the Government enforced the law; however, according to human rights advocates, the police did not act on cases of domestic violence.

The 2000 report of the U.N. Special Rapporteur on Violence Against Women stated that most government officials did not view violence against women as prevalent; however, activists at the grassroots level were attuned to problems of violence affecting women. The Rapporteur urged the Government to take comprehensive steps to enhance the legal protection against violence against women and urged the adoption of legislation to address domestic violence and sexual harassment.

Prostitution is legal for persons over 17 years of age; however, pandering or otherwise benefiting from prostitution is a felony. Prostitution increased greatly in recent years. Press reports indicated that tourists from various countries visited specifi-

cally to patronize inexpensive prostitutes. A government crackdown on prostitution that began in late 1998 initially had some effect, but prostitutes (known as "jineteras") still were visible in Havana and other major cities during the year. Police obtained early success in their efforts by stationing officers on nearly every major street corner where tourists were present. Some street police officers were suspected of providing protection to the jineteras. Most observers believed that the Government clamped down on prostitution to combat the perception that the Government promoted sex tourism. The Government set up centers to take prostitutes off the streets and reeducate them. The U.N. Special Rapporteur's report recommended that the Government dismantle the centers and find "other mechanisms that do not violate the rights of the prostitutes." There was no information available regarding whether or not the Government dismantled these centers.

The Family Code states that women and men have equal rights and responsibilities regarding marriage, divorce, raising children, maintaining the home, and pursuing a career. Women were subject to the same restrictions on property ownership as men. The law provides up to 1 year of maternity leave and grants working mothers preferential access to goods and services. Approximately 40 percent of all women worked, and they were well represented in many professions. According to the Cuban Women's Federation (FMC), in 2000 women held 33 percent of managerial positions. The FMC also asserted that 11,200 women had received land parcels to cultivate, that more than 561,000 women had begun working as agricultural workers, and that women devoted 34 hours a week to domestic work, approximately the same number of hours they spent working outside the home.

Children.—The Constitution provides that the Government protect family, maternity, and matrimony. It also states that children, legitimate or not, have the same rights under the law and notes the duties of parents to protect them. The law requires school attendance until the ninth grade, and this law generally was respected in practice. Education was free, but it was grounded in Marxist ideology. State organizations and schools were charged with the integral formation of children and youth. The national health care system covered all citizens.

There was no societal pattern of abuse of children. Police officers who found children loitering in the streets or begging from tourists frequently intervened and tried to find the parents. If the child was found bothering tourists a second time, police frequently fined the child's parents. Child prostitution was a problem (*see* Section 6.f.).

Persons with Disabilities.—The law prohibits discrimination based on disability, and there were few complaints of such discrimination.

On March 18, state security officials arrested four leaders of the Brotherhood of Blind Cubans to prevent a demonstration that opposed police mistreatment of handicapped street vendors and that called for the release of blind dissident Juan Carlos Gonzalez Leyva (*see* Sections 1.d. and 2.b.).

In April the Government-affiliated National Association of the Blind expelled Tomas Arquimedes Quintana for violating the norms of the organization by "acting in contradiction to the goals of a socialist state." Quintana is a member of the Cuban Human Rights Foundation and of the Independent Brotherhood of the Blind.

There are no laws that mandate accessibility to buildings for persons with disabilities. In practice buildings and transportation rarely were accessible to persons with disabilities.

National/Racial/Ethnic Minorities.—Many persons of African descent have benefited from access to basic education and medical care since the 1959 revolution, and much of the police force and army enlisted personnel is black. Nevertheless, racial discrimination often occurred and was acknowledged publicly by high governmental officials, including President Castro during remarks at the World Conference on Racism in South Africa. President Castro acknowledged that the revolution had not eradicated racism. There were numerous reports of disproportionate police harassment of black youths. Evictions, exacerbated by Decree 217, primarily targeted individuals and families who migrated to Havana from the eastern provinces, which were traditionally areas of black or mixed-race populations (*see* Section 2.d.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution gives priority to state or collective needs over individual choices regarding free association or provision of employment. The demands of the economy and society took precedence over individual workers' preferences. Established official labor organizations had a mobilization function and did not act as trade unions, promote worker rights, or protect the right to strike. Such organizations were under the control of the State and the Communist Party, which also managed the enterprises for which the laborers worked. Because all legal

unions were government entities, antiunion discrimination by definition did not exist.

The Communist Party selects the leaders of the sole legal labor confederation, the Confederation of Cuban Workers, whose principal responsibility is to ensure that government production goals are met. Despite disclaimers in international forums, the Government explicitly prohibited independent unions, and none were recognized. There has been no change in conditions since the 1992 International Labor Organization (ILO) finding that the Government violated ILO norms on the freedom of association and the right to organize. Those who attempted to engage in unofficial union activities faced government harassment.

Workers may lose—and many have lost—their jobs for their political beliefs, including their refusal to join the official union. Several small independent labor organizations were created but functioned without legal recognition and were unable to represent workers effectively or work on their behalf.

On January 3, police arrested Milagros Zeneida Morales of the Independent Workers Labor Union on charges of recruiting members for a counterrevolutionary organization (*see* Section 1.d.).

In late March, police instructed Lidia Rodriguez to report on any telephone calls made by independent labor organizers Luis Sergio Nunez and Gabriel Sanchez of the Independent National Labor Organization (*see* Section 1.f.).

On June 27, a state security official informed labor activist Reinaldo Rodriguez Camejo that he would soon lose his job as a teacher at a technical institute. In late July, the institute cancelled his 2-year contract and informed him that he would not be rehired.

On July 1, state security officials ordered independent labor organizer Leodegario Jimenez Ojeda, president of the Independent Medical School in Santiago and a member of the Independent National Labor Confederation, to their office, where they interrogated him and accused him of participating in counterrevolutionary activities and having links to "terrorists" in Miami.

In July the ILO's Committee on Freedom of Association cited several instances of government persecution of members of the Single Council of Cuban Workers and called on the Government to allow formation of independent trade unions.

The CTC is a member of the Communist World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—Collective bargaining does not exist. The State Committee for Work and Social Security (CETSS) sets wages and salaries for the state sector, which is almost the only employer in the country. The law prohibits strikes; none were known to have occurred. The 1995 Foreign Investment Law denies workers the right to contract directly with foreign companies investing in the country without special government permission. Although a few firms managed to negotiate exceptions, the Government required foreign investors to contract workers through state employment agencies, which were paid in foreign currency and, in turn, paid workers very low wages in pesos. Typically workers received 5 percent of the salary paid by the companies to the State. Workers subcontracted by state employment agencies must meet certain political qualifications. According to Minister of Basic Industry Marcos Portal, the state employment agencies consulted with the Party, the CTC, and the Union of Communist Youth to ensure that the workers chosen "deserved" to work in a joint enterprise.

There were no functioning export processing zones, although the law authorizes the establishment of free trade zones and industrial parks.

c. Prohibition of Forced or Bonded Labor.—Neither the Constitution nor the Labor Code prohibits forced or bonded labor. The Government maintained correctional centers where it sent persons for crimes such as dangerousness. Prisoners held there were forced to work on farms or building sites; for example, doing construction, agricultural work, or metal working. The authorities often imprisoned internees who did not cooperate.

The Government employed special groups of workers, known as "microbrigades," who were reassigned temporarily from their usual jobs to work on special building projects. These microbrigades were increasingly important in the Government's efforts to complete tourist and other priority projects. Workers who refused to volunteer for these jobs often risked discrimination or job loss. Microbrigade workers reportedly received priority consideration for housing assignments. The military assigned some conscripts to the Youth Labor Army, where they served a 2-year military service requirement working on farms that supplied both the armed forces and the civilian population.

The Government prohibits forced and bonded labor by children; however, the Government required children to work without compensation. All students over age 11 were expected to devote 30 to 45 days of their summer vacation to farm work, labor-

ing up to 8 hours per day. The Ministry of Agriculture used "voluntary labor" by student work brigades extensively in the farming sector. According to school rules, refusal to do agricultural work could affect the student's ability to continue studying at the institution.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum working age is 17 years. However, the Labor Code permits the employment of 15- and 16-year-old children to obtain training or to fill labor shortages.

e. Acceptable Conditions of Work.—The CETSS sets the minimum wage, which varies by occupation. For example, the minimum monthly wage for a maid was $6.60 (165 pesos); for a bilingual office clerk, $7.60 (190 pesos); and for a gardener $8.65 (216 pesos). The Government supplemented the minimum wage with free education, subsidized medical care (daily pay is reduced by 40 percent after the third day of being admitted to a hospital), housing, and some food (this subsidized food is enough for about 1 week per month). However, even with these subsidies, the minimum wage did not provide a decent standard of living for a worker and family. Corruption and black market activities were pervasive. The Government rationed most basic necessities such as food, medicine, clothing, and cooking gas, which were in very short supply.

The Government required foreign companies in joint ventures with state entities to hire and pay workers through the State (*see* Section 6.b.). Human Rights Watch noted that the required reliance on state-controlled employment agencies effectively left workers without any capacity directly to negotiate wages, benefits, the basis of promotions, or the length of the workers' trial period at the job with the employer. Foreign companies paid the Government as much as $500 to $600 per worker per month while the workers received only a small fraction of that in pesos from the Government.

The standard workweek was 44 hours, with shorter workweeks in hazardous occupations, such as mining. The Government reduced the workday in some government offices and state enterprises to save energy.

Workplace environmental and safety controls usually were inadequate, and the Government lacked effective enforcement mechanisms. Industrial accidents apparently were frequent, but the Government suppressed such reports. The Labor Code establishes that a worker who considers his life in danger because of hazardous conditions has the right not to work in his position or not to engage in specific activities until such risks are eliminated. According to the Labor Code, the worker remains obligated to work temporarily in whatever other position may be assigned him at a salary provided for under the law.

f. Trafficking in Persons.—The Penal Code prohibits trafficking in persons through or from the country and provides for penalties for violations, including a term of 7 to 15 years' imprisonment for organizing or cooperating in alien smuggling through the country; 10 to 20 years' imprisonment for entering the country to smuggle persons out of the country; and 20 years to life in prison for using violence, causing harm or death, or putting lives in danger in engaging in such smuggling. These provisions were directed primarily at persons engaging in organized smuggling of would-be emigrants. In addition, the revised code made it illegal to promote or organize the entrance of persons into or the exit of persons from the country for the purpose of prostitution; violators were subject to 20 to 30 years' imprisonment.

Child prostitution was a problem, with young girls engaging in prostitution to help support themselves and their families. It is illegal for a person under 17 years of age to engage in prostitution. The police enforced this law during the year as part of a general crackdown on prostitution; however, the phenomenon continued as more cabarets and discos opened for the growing tourist industry, which made it easier for tourists to come into contact with child prostitutes.

DOMINICA

Dominica is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a unicameral legislative assembly compose the Government. A president, nominated by the Prime Minister in consultation with the leader of the opposition party, and elected for a 5-year term by the Parliament, was head of state. The Prime Minister was Pierre Charles of the Dominica Labour Party (DLP), which prevailed in generally free and fair elections in January 2000, and which had a majority coalition in the Parliament. The judiciary was generally independent.

The Dominica Police—the only security force—was controlled by and responsive to the democratically elected government. There were occasional allegations of abuse by the police.

The country's primarily agrarian, market-based economy depended on earnings from banana exports, historically sold in the European market. The country has a population of approximately 72,000. Revenues from the banana industry were declining with the phase-out of its protected trade status with the European Union, and the Government's efforts to market the island as an ecotourism destination had mixed results. Faced with falling revenue, instead of making public sector cuts, the Government imposed new taxes and levies.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Prison conditions were poor; violence against women and children was a problem; and there were instances of discrimination against indigenous Carib Indians and societal discrimination against female Caribs in mixed marriages. Dominica was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, but there were some complaints of use of excessive force by the police.

The police had an Internal Affairs Department to investigate public complaints against the police and to provide counseling to police officers. The unit received 55 complaints during the year, of which 22 alleged use of excessive force. Of these, the unit sent 4 to Magistrate's Court, issued 2 warnings, and dismissed 3 for lack of evidence; 13 cases were pending investigation or trial. During the year, several officers attended human rights training courses in Trinidad and other locations.

Prison conditions were poor. Overcrowding and unsanitary conditions continued to be problems in the prison facility, which held 223 prisoners at year's end. The prison provided work therapy, music and sports programs, educational opportunities, and counseling for inmates. Prisoners continued to complain about the poor quality of prison food; however, prison officials noted that prisoners have access to fresh pork from pigs raised at the prison. Pretrial detainees were housed with convicted prisoners, due to overcrowding and a lack of sufficient holding cells. Female prisoners were segregated from male prisoners, and juveniles were segregated from adult inmates.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution requires that the authorities inform persons of the reasons for arrest within 24 hours after arrest and bring the detainee to court within 72 hours. This requirement generally was honored in practice; however, if the authorities were unable to bring a detainee to court within the requisite period, the detainee could be released and rearrested later.

The Constitution prohibits exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and it was generally independent in practice.

The judicial system is composed of a high court judge, 5 magistrates, and 10 magistrate courts located in police stations around the country. Appeals can be made to the Eastern Caribbean Supreme Court and to the Privy Council in the United Kingdom.

The law provides for public trial before an independent, impartial court. Criminal defendants were presumed innocent until proven guilty, were allowed legal counsel, and had the right to appeal. Courts provided free legal counsel to the indigent only in capital cases.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the right of free expression, and the Government generally respected this right in practice. The political opposition openly criticized the Government.

The print media consisted of four private newspapers and political party journals; all published without censorship or government interference. The principal radio station was state-owned and had a government-appointed board. There was also an independent radio station owned by a private company. Citizens had access to independent news sources through cable television and radio reception from neighboring islands.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

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

Members of the Rastafarian community complained that law enforcement officials unfairly targeted them. However, it was not clear whether such complaints reflected discrimination on the basis of religious belief by the authorities or simply enforcement of laws against marijuana, which was used as part of Rastafarian religious practice.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. The Government may revoke passports if subversion is suspected but had not done so in the past several years.

The Government had not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The unicameral legislative assembly, called the House of Assembly, was composed of 21 parliamentary representatives and nine senators. The representatives were elected by popular vote. The President appoints the senators; five senators are chosen with the advice of the Prime Minister and four with the advice of the opposition leader. Elections must be held at least every 5 years, although the Prime Minister can call elections at any time.

In January 2000, the Dominica Labour Party won 10 seats in generally free and fair elections, defeating the United Workers' Party (UWP) which had held power since 1995. DLP leader Roosevelt P. "Rosie" Douglas forged a majority coalition of 13 seats out of the 21 elected seats in Parliament, with the Dominican Freedom Party, holder of 2 seats, and 1 former UWP parliamentarian who changed party affiliation to join the DLP government. Douglas died in office in October 2000, and the former Minister of Communication and Works, Pierre Charles, became Prime Minister.

There were no impediments in law or in practice to the participation of women in leadership roles in government or political parties. There were 6 women in the 30-seat legislature; 2 elected parliamentary representatives and 4 senators appointed by the President. There were no women in the Cabinet.

There were no impediments in law or in practice to the participation of Carib Indians in national political life. The Parliamentary Representative for Indigenous People was a Carib Indian; he served concurrently as the Prime Minister's Parliamentary Secretary with responsibility for Carib affairs.

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

There were no government restrictions on the formation of local human rights organizations, although no such groups existed. Several advocacy groups, such as the Association of Disabled People, the Dominican National Council of Women, and a women's and children's self-help organization, operated freely and without govern-

ment interference. There were no requests for investigations of human rights abuses from international or regional human rights groups.

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

The Constitution includes provisions against racial, sexual, and religious discrimination, which the authorities generally respected in practice.

Women.—Domestic violence cases were common. Government and nongovernmental organizations (NGOs), including religious organizations, tried to address this problem. There was no family court to deal specifically with domestic violence issues. Women could bring charges against husbands for battery, and both the police and the courts prosecuted cases of rape and sexual assault, but there were no specific spousal abuse laws. All rape cases were handled solely by female police officers. The Department of Labor established a crisis response mechanism to assist women who were victims of domestic violence. The Welfare Department of the Ministry of Community Development assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The Welfare Department reported all cases of abuse to the police.

In December 2001, a Protection Against Domestic Violence Act was enacted that allows abused persons to appear before a magistrate without an attorney and request a protective order. The court may also order that the alleged perpetrator be removed from the home in order to allow the victims, usually women and children, to remain in the home while the matter was being investigated. Police enforcement of protective orders increased after enactment of this act and after officers received training in dealing with domestic abuse cases. The Dominica National Council of Women, an NGO, taught preventive education about domestic violence and maintained a shelter where counseling and mediation services were available daily. Due to a shortage of funding, the organization could only permit persons to stay at the shelter for several days at a time; however, if needed, further housing was provided in private homes for up to 3 weeks. During the year, the Catholic Church held a domestic violence symposium attended by approximately 400 persons.

Sexual harassment was a problem.

While there was little open discrimination against women, property ownership continued to be deeded to "heads of households," who were usually males. When the male head of household died without a will, the wife could not inherit the property or sell it, although she could live in it and pass it to her children. In the civil service, the law establishes fixed pay rates for specific jobs, whatever the gender of the incumbent. According to the Labor Department, many women in rural areas found it difficult to meet basic needs, at least in part owing to the decline in the banana export industry.

Children.—The law stipulates that the Government should protect the rights of children to education and health care. Education was compulsory through the age of 16, and primary health care was available throughout the island.

Various laws enumerate children's rights, but their enforcement was hampered by lack of staffing in government agencies. There were nine staff members in the social welfare office that handled all welfare problems, including complaints of child abuse. According to the Welfare Department, there were 189 cases of child abuse, compared with 155 in 2001. There was an increase in the number of child abuse cases in the Carib reservation.

Although the maximum sentence for sexual molestation (rape, incest) was 25 years' imprisonment, the normal sentence given was 5 to 7 years except in the case of murder. The age of consent for sexual relations is 16 years.

Persons with Disabilities.—Beyond the general protection of the Constitution, there was no specific legislation to address problems facing persons with disabilities. However, the labor laws permit authorization of employment of a person with disabilities for less than the minimum wage, in order to increase opportunities for employment of such persons (*see* Section 6.e.). There was no requirement mandating access for those with disabilities.

Indigenous Persons.—There was a significant Carib Indian population, estimated at 3,400 persons, most of whom lived on a 3,782-acre reservation created in 1903 and expanded in 1997. About 65 percent of the Carib population were between the ages of 18 and 35. There was a three-person police station on the reservation; generally several of the police assigned there were Carib Indians. School, water, and health facilities available on the Carib reservation were rudimentary but similar to those available to other rural citizens; however, there was no secondary school on the reservation. Most Carib Indians engaged in farming, fishing, and handicrafts. Unemployment was believed to be higher than in rest of the country, while the average income was below the national average. The Government built a Heritage Vil-

lage to showcase Carib culture; at year's end the buildings were complete, but it was not yet open to the public.

The reservation is governed by the 1978 Carib Act. Carib Indians over the age of 18 who reside there were eligible to vote for the Chief and six members of the Council of Advisors (they also were eligible to vote in national elections). Separate elections for council members and the Chief were held every 5 years. According to the Carib Act, the Council must meet once a month, determine the Chief's itinerary, and publish council meeting agendas in the Government Gazette.

Building permits for homes within the reservation were obtained from the Carib Council and were available only to Carib Indians. As a result, Carib women who were married to, or who lived with, non-Carib men were often advised to put the home in their names. Until 1979 the Carib Act allowed Carib men married to non-Carib women to continue living on the Carib reserve but dictated that Carib women married to non-Carib men had to move off the reservation. Although the law changed, practice was not yet in keeping with the law. An estimated 25 percent of the Carib Indian population was believed to be in mixed marriages or relationships.

One of the major issues facing the Carib Indians was the increasing encroachment on their territory by farmers, particularly on the southern side of the reservation. The 1903 land grant, on which the Carib Indians based their claim to the land, did not clearly delineate the reservation boundaries. Another issue for the Carib Indians was their difficulty in obtaining bank financing. As all land on the reservation was held communally, individuals were not able to pledge the land as collateral for loans.

In June the Government ratified International Labor Organization (ILO) Convention No. 169, concerning indigenous and tribal people.

Section 6. Worker Rights

a. The Right of Association.—All workers had the legal right to organize, to choose their representatives, and to strike. Unions represented less than 10 percent of the total work force, but approximately 55 percent of government workers were unionized. However, the banana, coconut, and citrus fruit industries as well as port services were deemed "essential services," which effectively prohibited workers in these sectors from going on strike. The ILO considered this definition overly broad. The ILO repeatedly urged the Government to amend legislation so that restrictions on the right to strike would only be imposed in the case of services limited to those the interruption of which would endanger the life, personal safety, or health of the whole or part of the population, or in the case of an acute national crisis. The ILO noted that existing legislation made it possible to stop a strike by compulsory arbitration and empowered the Minister to refer disputes to compulsory arbitration if in his or her opinion it concerns serious issues. The Government did not take any action to amend this legislation.

The law prohibits antiunion discrimination by employers, and judicial authorities enforced union rights. In addition, employers must reinstate workers fired for union activities. The law requires that employers recognize unions as bargaining agents once both parties have followed appropriate procedures. Department of Labor inspectors under the supervision of the Labor Commissioner enforce labor legislation, but the Labor Inspection Office lacked sufficient personnel to carry out its duties.

All unions were independent of the Government. While there were no direct ties, members of certain political parties dominated some unions. In June 2001, the Public Service Workers Union circulated a proposal to create a "congress of unions" as an umbrella organization, but it drew no response from other unions or employee associations.

Unions may affiliate with various international labor bodies.

b. The Right to Organize and Bargain Collectively.—Unions have legally defined rights to organize workers and to bargain with employers. Collective bargaining was widespread in the nonagricultural sectors of the economy, including in government service, and there was also recourse to mediation and arbitration by the Government.

In June police officers staged a sickout that briefly crippled operations around the island. The action was taken to draw attention to a decade-long dispute between the Government and the Police Welfare Association over pension benefits. On July 3, hundreds of private sector and unemployed workers demonstrated to protest the new budget. Government workers followed suit on July 9, effectively shutting down most government operations for the day. On both occasions, members of the police force staged additional sickouts in "sympathy" with other protesters. Further demonstrations and sickouts were held in September, causing the temporary (but unanticipated) closure of the airports. Unions reported that the demonstrations were

peaceful, and there was no difficulty in obtaining permits for the demonstrations in advance.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred. The ILO has asked the Government to repeal the National Service Act, on the grounds that it is conducive to forced labor for economic development; the Government took no action to do so.

d. Status of Child Labor Practices and Minimum Age for Employment.—Two acts prohibit employment of children, but define "child" differently, one as under age 12 and the other under age 14. During the year, the Government prepared legislation to harmonize these two laws and to set the minimum legal age for employment at 16 years.

e. Acceptable Conditions of Work.—The law sets minimum wages for various categories of workers, but these were last revised in 1989. The minimum wage rate for some categories of workers (e.g., household employees) was as low as $0.37 (EC$1.00) per hour if meals were included. However, minimum wages for most workers fell in a range between $0.74 (EC$2.00) per hour for tourist industry workers to $1.11 (EC$3.00) per hour for occupations such as shop clerks. Minimum wages were not sufficient to provide a decent standard of living for a worker and family. However, most workers (including domestic employees) earned more than the legislated minimum wage for their category. The Minimum Wage Advisory Board met in 1998 and recommended increases in these wage levels, but the Government had not yet acted upon these recommendations at year's end.

The labor standards laws state that no employer shall establish or maintain differences in wages between men and women performing the same or similar work with parallel responsibilities under similar conditions. The law further states that no employer may reduce the wages of an employee to comply with equal wage standards. The labor laws also provide that the Labor Commissioner may authorize the employment of a person with disabilities at a wage lower than the minimum rate in order to enable that person to be employed gainfully.

The standard legal workweek is 40 hours in 5 days. The law provides for a minimum of 2 weeks' paid vacation per year. The Employment Safety Act provides occupational health and safety regulations that are consistent with international standards. Inspectors from the Environmental Health Department of the Ministry of Health conduct health and safety inspections. The rarely used enforcement mechanism consists of inspections by the Department of Labor, which can and does prescribe specific compliance measures, impose fines, and prosecute offenders. Workers had the right to remove themselves from unsafe work environments without jeopardy to continued employment.

f. Trafficking in Persons.—There were no laws that specifically address trafficking in persons.

The country had an economic citizenship program that allows foreign investors to purchase passports through loosely monitored procedures requiring cash inflows ranging from $75,000 (EC$200,000) to $100,000 (EC$270,000) for a family of up to four persons. This process reportedly facilitated the illegal immigration of persons from China and other countries to North America where, in some cases, they may be forced by the criminal organizations that provided the funds to work under conditions similar to bonded labor to repay their debt. The Government refused to end the economic citizenship program, despite complaints from the Governments of Canada and Australia. Since the beginning of the economic citizenship program in 1996, 662 applicants received citizenship. Approximately 167 persons, primarily from Russia or China, purchased economic citizenship in 2001; of these, only about 46 persons actually resided in the country.

DOMINICAN REPUBLIC

The Constitution provides for a popularly elected president and a bicameral congress. President Hipolito Mejia of the Dominican Revolutionary Party (PRD) took office in August 2000 after a generally free and fair election, replacing President Leonel Fernandez of the Dominican Liberation Party (PLD). The PRD also controlled the Senate and held the most seats in the Chamber of Deputies. The Constitution provides for an independent judiciary; however, interference from outside forces, including the executive branch, remained a problem.

The National Police, the National Department of Investigations (DNI), the National Drug Control Directorate (DNCD), and the armed forces (army, air force, and

navy) formed the security forces. The military's domestic responsibilities included maintaining public order and protecting traffic, industry, commerce, persons, and property. The police were under the Secretary of the Interior and Police; the military was under the Secretary of the Armed Forces; and the DNI and the DNCD, which had personnel from both the police and the military, reported directly to the President. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority or control. Members of the National Police and the military committed a number of human rights abuses.

The market-based economy, once heavily dependent on sugar and other agricultural exports, continued to diversify. The country has a population of approximately 8.5 million, excluding an estimated 1 million undocumented Haitians. Tourism, telecommunications, and Free Trade Zone (FTZ) exports were major sources of foreign currency and employment, notwithstanding recent decreases in the growth of tourism and FTZs. Remittances from abroad surpassed $1.9 billion per year. Economic growth, which exceeded 7 percent per year from 1996 through 2000, was 4.5 percent for the year. Unemployment was estimated at 16 percent. Income distribution in the country was highly skewed.

The Government's human rights record remained poor; although there were significant improvements in some areas, serious problems remained. The number of extrajudicial killings dropped due in large part to the replacement of Police Chief Candelier with General Jaime Marte Martinez. Nonetheless, members of the security forces continued to commit some unlawful killings. The police and—to a lesser degree—the military tortured, beat, or otherwise abused detainees and prisoners. Police on several occasions used excessive force to disperse demonstrators. In a change from previous years, the Government began regularly to refer cases of police and military abuse to the civilian courts, instead of holding nontransparent proceedings in police or military tribunals. Prison conditions ranged from poor to harsh. Some prisoners died in custody due to negligence. Police arbitrarily arrested and detained suspects and suspects' relatives. While the judiciary continued to consolidate its independence and improve the efficiency of the courts, lengthy pretrial detention and long trial delays continued to be problems. The authorities sometimes infringed on citizens' privacy rights, and police entered private homes without judicial orders. Journalists at times practiced self-censorship. The Government restricted the movement of, and forcibly expelled, some Haitian and Dominican-Haitian migrants. Violence and discrimination against women; prostitution, including child prostitution; abuse of children; discrimination against persons with disabilities; discrimination against and abuse of Haitian migrants and their descendants; and child labor were serious problems. There continued to be reports of forced labor. Many workers continued to face unsafe labor conditions. Trafficking in persons was a serious problem. The Dominican Republic was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by government officials; however, members of the security forces committed 126 killings that were unlawful, unwarranted, or involved deadly use of force—a significant drop from 2001, during which more than 250 extrajudicial killings occurred.

This number includes some civilians who were killed in legitimate exchanges of gunfire with police, as well as "encounter" killings staged by the police. Despite significantly enhanced cooperation with civilian authorities under the guidance of the new National Police Chief, it remained difficult to quantify the exact number of police killings, because police infrequently documented citizen killings in accordance with minimum investigation or crime scene standards, and mid-level officers sometimes failed to cooperate in investigations ordered by civilian authorities (*see* Section 1.e.).

Human rights organizations stated that the police employed far less unwarranted deadly force against criminal suspects than in previous years, although uniformed vigilantism persisted on a less-than-deadly level. Criminals who refused to pay police "commissions" or bribes to ignore criminal activity were sometimes beaten or shot in an appendage rather than killed. Lack of basic education, poor training, and weak discipline were still endemic among members of the police force, and directly contributed to the killings that occurred. These problems were aggravated by low pay and the fact that there was no coherent policy on the use of deadly force or rules of engagement by the police. Additionally, the lack of professional and trans-

parent investigation of the circumstances in which police killed citizens in "exchanges of gunfire" still led to occasional impunity for such killings. Finally, there was a lack of meaningful training in human rights as applied to police work; however, under the leadership of the new police chief, the National Police took steps to address this problem. For example, in August a 4-day program trained 15 members of the National Police and 15 prominent members of civil society, who were to conduct human rights and dignity workshops for members of the National Police.

In the majority of police killings, the police claimed that the deaths resulted from an exchange of gunfire in the course of an arrest. Police asserted that the deaths of so-called delinquents resulted from shoot-outs requiring the police to act in self-defense. A number of eyewitness accounts matched police assertions; others did not. Staged "encounter" killings still occurred.

In March armed forces Private Eduardo Ortiz Delgadillo (then assigned to the Metropolitan Transit Authority, headed by former National Police Chief Candelier) shot and killed bus driver Flabio Minaya Padilla, whose death sparked violent protests and condemnation by a transport union. The authorities charged Ortiz, and his trial was pending at year's end in a civilian court.

In April police officer Carlos Manuel Ramirez Herrera shot and killed 19-year-old Juan Rafael De los Santos during a protest that took place in the Moscu neighborhood of San Cristobal. Following the shooting, residents attempted to burn the residence of and lynch a municipal official, Jose Mercedes Corporan, whom they blamed for instigating the death of De los Santos. Police Chief Marte designated a commission to investigate the death of De los Santos and events surrounding the demonstrations. The commission determined that Ramirez should be removed from the police force; he was fired and was awaiting trial at year's end.

On May 16, members of the armed forces election-day police in Jarabacoa shot and killed two Partido Reformista Social Cristiano (PRSC) activists in a shoot-out in front of approximately 50 witnesses. On August 6, Attorney General Bello Rosa concluded an investigation into the killings and recommended that those responsible be submitted to civilian justice. Several days later, President Mejia ordered that 11 members of the military implicated in the crime be prosecuted in civilian criminal court, based on a recent Supreme Court precedent limiting military tribunals' authority to decide such cases to wartime. The authorities accused Army Sergeant Edruy Reyes Ramirez of committing the murders and charged Second Lieutenant Roger Antonio Acevedo Martinez with being an accomplice. The Attorney General further recommended that two colonels, Santo Augusto Nunez Francisco and Pedro Antonio Caceres Chestaro, be charged with trying to cover up the crime and mislead investigators. At year's end, the case was still in the investigative phase.

Also in May, police Lieutenant Juan Bautista Berroa and two police officers in Bonao killed 22-year-old Alejandro Pena Diaz, whom they had taken prisoner, in the back of a truck. The police officers then threw his body from the vehicle in a staged escape attempt. The authorities dishonorably discharged the two police officers responsible for the killing, arrested them, and held them to face civilian trial, set for January 2003.

In several neighborhoods in Santo Domingo, civil society held protests against police violence. The police at times forcibly dispersed demonstrators using tear gas and weapons; on August 22, during a protest in the Capotillo section of Santo Domingo, Alberto Santos Veloz was killed by a stray bullet and 14 persons were injured (*see* Sections 2.b. and 6.b.).

In September a police captain, police Lieutenant Charlie Rodriquez, a sergeant, and a corporal all confessed to being part of a gang that kidnaped and killed Victor Augusto (Franklin) Feliz Mendez. The police also held 19-year-old Priscilla Diaz Infante in custody; she was the last surviving civilian member of the group of seven that police accused of murdering Feliz Mendez. The other civilians involved in the case, Luciano Antonio Matos Diaz and Deiva Giner Castillo, died under questionable circumstances shortly after Feliz Mendez's murder; one in an exchange of gunfire with police, the other by suicide. At year's end, a commission ruled that the civilian killed by police died in a legitimate exchange of gunfire while attempting to evade arrest.

A significant number of deaths occurred in custody due to negligence by prison authorities (*see* Section 1.c.).

According to nongovernmental organizations (NGOs) active along the border, two Haitian migrants were killed by military personnel while attempting to enter the country (*see* Section 2.d.).

In the May 2001 killing of 26-year-old Ruben Dario Paniagua in the Capotillo neighborhood, the civilian trial of four persons alleged to have been involved in the killing was scheduled for February 2003. Bienvenido Cross, a civilian with police ties, police officer Franklin Tejada, police officer Carlos Feliz Mateo, and armed

forces member Warren Antonio Matos, were in jail awaiting trial; the authorities released the other persons detained in connection with this case.

In the June 2001 killing of 37-year-old Carmelo del Rosario, the authorities removed police Lieutenant Pedro Encarnacion Baez from duty and sent the case to the civilian courts. Although jailed in Higuey, Encarnacion Baez failed to appear at several hearings, the most recent of which was on September 26.

In the July 2001 police killing of Wendy Altagracia Gaton Tejada in the Herrera district, the authorities jailed police officer Demetrio Marte Leonardo and scheduled him to be tried in civilian criminal court in February 2003. The authorities sent three other officers charged in this killing to a military court in 2001; there was no public information regarding the status of their cases.

In the case of police Private Francisco Reyes Santana, known as "Tyson," who was accused of killing 18-year-old Pedro Manuel Contreras in September 2001, the Supreme Court ruled in December 2001 that Tyson and codefendant police Sergeant Medina Medina would be tried in civilian criminal court. At year's end, both were in custody awaiting trial, but no trial date had been set.

There were no developments in the cases of the police officers involved in the killing of Johnny Perdomo Santo in November 2000, Emilio Jose Matias and Lauri Mendez Sena in September 2000, the 30-year-old Haitian killed in August 2000, the six Haitians and one Dominican shot in July 2000, the killing of Juan Expedito Garcia in July 2000, the killing of Juan Jose Urena in July 2000, or the killing of Antonio Lora Fernandez in April 2000.

According to human rights groups, in the 2000 case involving three individuals shot in Najayo Prison in San Cristobal, the officers involved never were tried in either a police tribunal or a civilian court.

There were no developments in the appeal of the 30-year sentences of retired General Joaquin Pou Castro, former air force officer Mariano Cabrera Duran, and Luis Emilio de la Rosa Beras, convicted in 2000 for the 1975 murder of journalist Orlando Martinez Howley, a critic of the Balaguer administration. A fourth defendant, General Salvador Lluberes Montas, was to stand trial in 2001, but the trial did not take place. Lluberes Montas failed to appear at 11 hearings in 2001 and at 3 additional hearings during the year. Although Lluberes Montas was allegedly near death due to illness, various human rights groups charged that he was living comfortably in his villa in Casa de Campo.

b. Disappearance.—There were no reports of politically motivated disappearances; however, the Dominican Solidarity Center reported that since the 1999 privatization of the sugarcane industry, more than 150 union organizers or members had disappeared (*see* Section 6.e.).

An instruction judge ordered that former Secretary of the Armed Forces Constantino Matos Villanueva be tried in a criminal court in the case of Narciso Gonzalez, a university professor and critic of the Balaguer government who disappeared in May 1994. The judge excluded two others, General Leonardo A. de Jesus Reyes Bencosme and Air Force Colonel Manuel Concepcion Perez Volquez, from the case, although in October 2001 the victim's family appealed this decision; that appeal and Matos Villanueva's contest of the decision to try him in criminal court remained pending in Santo Domingo's Court of Appeal at year's end. There was no action during the year on the family's complaint to the Inter-American Commission on Human Rights (IACHR).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the law prohibit torture and other forms of physical abuse, and for the first time in years senior police officials took this prohibition seriously and regularly investigated reports of torture and abuse; however, some security forces personnel, primarily mid-level and lower ranking police officers, continued to torture, beat, and otherwise physically abuse detainees and prisoners. Lack of supervision, training, and accountability throughout the law enforcement and corrections systems exacerbated the problem of physical abuse. Human rights groups and the local press reported repeated instances of physical abuse of detainees while in custody, including various forms of torture, beatings, and sexual abuse.

According to human rights organizations, the National Police, the DNCD, and prison officials all used forms of torture. The method most often used was beating. Other forms included asphyxiation with plastic bags to elicit confessions, and a method called "roasting the chicken" in which the victim was placed over hot coals and turned. Human rights advocates described another form of abuse that guards reportedly used against prisoners called "the toaster," where prisoners were laid, shackled hand and foot, on a bed of hot asphalt for the entire day and beaten with a club if they screamed. Police also were described as using a practice called "golpe de pollo" in which they beat a person's ears until they bled. The Dominican Com-

mittee for Human Rights stated that in the Fortaleza San Felipe prison in Puerto Plata, some prisoners were tortured by pulling off their finger nails, and another prisoner at San Felipe was hung from the cell wall for days by chains that bound his wrists and left scars. Another "new" torture method was reported in June, in which prison officials enclosed detainees in water cisterns for lengthy periods. In Azua, according to the Dominican Human Rights Commission, a youth named Robelin Lopez was branded in the buttocks with a hot iron in an attempt to elicit a confession.

Homosexual and transvestite detainees reported to gay rights advocates that during detention the police held them in a darkened room and gave them the alternative of performing fellatio on guards or being placed in a locked cell with the most dangerous prisoners, where the detainees presumed that they would be raped, beaten, or both. Other informants confirmed that the police used the prospect of being locked in with the most dangerous prisoners as a threat.

In June two of three youths detained for allegedly carving up victims in satanic rites, Jairo Luis Matos and Gustavo Tejada de la Rosa, accused police authorities of torturing them in an attempt to elicit confessions. Police in the Fugitive Search and Capture Unit, located in the Parque Mirador Norte area of Santo Domingo, asphyxiated the young men with black plastic bags and beat them in an attempt to obtain confessions. This unit previously had been implicated in acts of torture aimed at eliciting confessions. In April the president of the Dominican Human Rights Commission reported that the Commission received multiple complaints of torture regarding this police unit.

Also in June, the authorities suspended from duty two National Police captains from the Robbery and Monetary Crimes unit after they were accused of torturing 21-year-old Carlos Javier Mendez to draw out a confession for his alleged participation in a robbery. A special investigative commission composed of members of the police and justice sector determined that captains Ramon Antonio Marte Reyes and Luis F. Sanchez Mejia should be tried in civilian court for violating law 309 by committing acts of torture. The two captains were fired and at year's end were released on bail awaiting trial. In addition, the authorities suspended Assistant District Attorney Diomaris Cepeda Diaz for 2 weeks without pay for negligence.

In October judicial authorities decided that the case against suspended police Colonel Francisco Beras Santos, who was charged with the torture and sexual violation of a woman, should be heard in criminal court. The colonel was accused of having forced 34-year-old Elizabeth Martinez Perez to have oral sex with him before he would allow her to go free. Police Chief Marte sent the evidence against the colonel to be presented in a civilian court, rather than a military tribunal. Beras appealed his case in three courts, but each court rendered the decision that there was sufficient evidence to incriminate him. At year's end, he was in prison awaiting the conclusion of his criminal trial.

The National District Prosecutor's office program of placing lawyers in high-volume police stations and in several DNCD offices to monitor the investigative process and to ensure that detainees' rights were respected (*see* Section 1.d.) remained largely limited to the Santo Domingo metropolitan area, with a lesser presence in Santiago. There was some evidence that assistant prosecutors at times acquiesced in traditional police practices—as in the torture case of Carlos Javier Mendez—rather than attempt to raise these practices to constitutional standards. Less qualified prosecutors assigned to the rest of the country did not assume strong roles in managing criminal investigations and ensuring the rights of suspects.

Civilian prosecutors sometimes filed charges against police and military officials alleging torture, physical abuse, and related crimes. A 1997 law provides penalties for torture and physical abuse, including sentences from 10 to 15 years in prison. However, until recently, these provisions were not known fully or applied by prosecutors and judges. There were repeated calls by human rights groups for civilian trials of officials charged with abuse and torture, and senior executive branch officials responded favorably during the year. New abuse and torture cases were remanded to civilian criminal courts as they arose. However, submission to civilian judicial authority was sometimes still contested by mid-level officers (*see* Section 1.e.).

During the year, the authorities dismissed numerous government employees for links with smuggling groups (*see* Section 6.f.). In one instance, Dominican Consul in Cap Haitien, Guillermo Radhames Garcia, was removed from his post after the Directorate of Migration accused him of personally transporting 16 Chinese nationals over the Dajabon border into the country. Even though the Supreme Court recognized that there was sufficient evidence to incriminate Garcia, it later dropped the case against him at the request of the Attorney General, because Garcia had been sworn in as the La Vega representative to the Chamber of Deputies while confined

in Dajabon. The Court said it was the Chamber of Deputies' responsibility to censure Garcia.

Police officers also were fired for violent attacks, extortion, and drug use. Significant problems remained because the authorities had not undertaken serious efforts to vet police recruits. Many persons with prior criminal records reportedly were incorporated into police ranks, either using false names or identification or with recommendations from other state institutions, such as the army.

Human rights courses were offered in the training curriculums for military and DNCD enlisted personnel and officers. The Military Institute of Human Rights offered diploma courses in human rights and regularly sent representatives to border units to conduct mandatory human rights training. However, monitoring and sanctioning systems for abuses of human rights remained ineffective.

The three officers accused of being involved in 2000 of torture and abuse of at least nine minors in the National District were not tried by police tribunals or the civilian courts. An investigative judge in the Eighth Penal Court, who was assigned to investigate the case in the civilian courts, ruled that these courts did not have jurisdiction over a police matter. The police tribunal took no action.

In August 2000, judges of the Appeals Court for Children and Adolescents in San Pedro de Macoris made public a set of allegations of similar abuses committed against 19 minors in police stations in Juan Dolio and Boca Chica, as well as in the General Pedro Santana public jail, which is controlled by the army. During the year, there was no investigation into these alleged abuses by the police or the military.

Prison conditions ranged from poor to harsh. Reports of torture and mistreatment in prisons were common. The prisons were seriously overcrowded, health and sanitary conditions were poor, and some prisons were out of control of the authorities. The General Directorate of Prisons was under the authority of the Public Ministry and was seriously underfunded. Budget allocations for necessities such as food, medicine, and transportation were insufficient. Prisoners and human rights groups alleged that prisoners were not taken to their trials if they failed to pay bribes to the guards (*see* Sections 1.d. and 1.e.). Medical care in all prisons suffered from a lack of supplies and available physicians. Prisoners immobilized by and dying of AIDS were not transferred to a hospital, but some terminal-stage inmates were released to spend their last days at home. Pretrial detainees were held together with convicted prisoners. Inmates were not separated by crime within the prison population; however, they could be put into solitary confinement for disturbances while incarcerated.

According to the Attorney General's office, the police and the military held almost 17,000 prisoners and detainees in 34 prisons with a total capacity of approximately 9,000 persons. As of December, the military controlled 21 prisons with a total of 5,618 prisoners, and the National Police controlled 13 prisons, with a total of 10,922 inmates. A warden was responsible for running each prison and reported to the Attorney General through the Directorate of Prisons. A police or military colonel (or lieutenant colonel), who only was appointed for 3 to 6 months, reported to the warden and was responsible for providing security. However, in practice the colonel was in charge of the prison, and neither the Directorate of Prisons nor the individual wardens had much power. Some prisons were totally out of the authorities' control and were in effect operated by armed inmates, who decided whether an individual got food, space to sleep, or medical care. Individual inmates only could secure a tolerable level of existence by paying for it.

The overwhelming majority of prisons experienced extreme overcrowding. San Cristobal Najayo jail was originally built to house 700 inmates and contained close to 3,000. The overcrowding and deteriorating conditions at such prisons as Publica de Azua (administered by the military) posed a serious threat to the health and safety of the inmates. The prison, which was initially built in the 1940s to hold 40 inmates, held 171 prisoners. Inmates suffered from various illnesses including tuberculosis, bronchitis, and skin infections. Inmates who could not afford to pay for beds were forced to sleep on the floor. During September more than 25 prisoners died at the military-run prison of La Inmaculada Concepcion in La Vega in a fire allegedly set to prevent an inspection by guards. Newspapers and human rights groups reported extensive drug and arms trafficking within the prisons, as well as prostitution and sexual abuse, including abuse of minors.

A government food program for the general public was used to provide lunches at some prisons. The former Director of Prisons reported that his office had a budget of $0.50 (8 pesos) per inmate to provide three meals per day. Inmates said that the food provided was unacceptable, and most sought to beg or purchase food from persons in the vicinity of the prison or from family members. Due to inefficiency and corruption within the prison system, visitors often had to bribe prison guards in

order to visit prisoners. Female visitors often were forced to strip naked prior to entering the prison and were harassed sexually by prison guards.

Female inmates were separated from male inmates. In general, conditions in the female prison wings were better than those found in male prison wings. There were some reports of guards physically and sexually abusing female inmates. There were also reports that in the Najayo prison, guards forced women to act as prostitutes in exchange for food and protection. Female inmates, unlike their male counterparts, were prohibited from receiving conjugal visits. Those who delivered while incarcerated were permitted to keep their babies with them for 1 year.

The law requires that juveniles be detained separately from adults; however, in practice juveniles often were mixed with the general population. The authorities sometimes treated minors as adults—most often when physical examinations indicated that the persons claiming to be minors were probably adults—and incarcerated them in prison rather than juvenile detention centers. The press reported a high incidence of juveniles detained with adult prisoners being forced into sexual servitude in return for protection. Human rights groups charged that nearly all of the 280 juveniles in Najayo prison who were housed with adults were abused sexually. In July 2001, a new prison for minors opened in Najayo, with a capacity of 200 persons; however, human rights groups charged that guards and prison staff continued to abuse minors in the new wing.

The Government permitted prison visits by independent human rights observers and by the press.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention were problems. The Constitution provides for the security of the individual against imprisonment without legal process, bars detention beyond 48 hours without the detainee being presented before judicial authorities, and prohibits custodial authorities from not presenting detainees when requested. It also provides for recourse to habeas corpus proceedings to request the release of those unlawfully held. However, the security forces continued to violate constitutional provisions by detaining suspects for investigation or interrogation beyond the prescribed 48-hour limit. The police typically detained all suspects and witnesses in a crime and used the investigative process to determine who were innocent and merit release, and whom they should continue to hold. When the prosecutor's office began placing its lawyers in police stations in 1997, the police began to curtail the practice of arbitrary detentions; however, during the year, few new prosecutors were sent and the effectiveness of those working in police stations was negligible (*see* Section 1.c.).

Detainees at police headquarters in Santo Domingo, known as "the palace," reported that they were held for 15 to 21 days. Juveniles held at the Department for Minors at the Villa Juana police station commonly were held for 8 to 14 days, well beyond the 24-hour limit for minors. The official in charge of the Department for Minors attributed this to delays by the Juvenile Defender—the Public Ministry official in charge of interrogating minors—in sending them before a Juvenile Court judge. The law prohibits interrogation of juveniles by the police or in the presence of police.

The police continued the practice of making frequent sweeps or roundups in low-income, high-crime communities in which they arrested and detained individuals arbitrarily, allegedly to fight delinquency. During these sweeps, police arrested large numbers of residents and seized property including motorcycles, other vehicles, and weapons. The armed forces carried out similar sweeps, in which they closed down major routes into Santo Domingo, searched cars for weapons and drugs, and detained individuals thought to be criminals. In June security forces arrested more than 700 residents of the Santiago area during operations "Centella" and "Guaraguao." Numerous firearms were confiscated; 44 motorcycles and 18 cars were impounded.

Following the indiscriminate arrests, the police regularly detained individuals for 20 days or more while they looked for a reason to charge them. Human rights organizations reported that individuals detained in these roundups frequently were beaten. The police stated that they relied upon unlawful detention without presentation to a court because some cases involved more complicated investigations. However, there was a clear pattern of police arrests of individuals before undertaking adequate investigation, and reliance on confessions obtained under questionable circumstances to make their case (*see* Section 1.c.).

A related problem was the police practice of arresting and detaining individuals solely because of a familial or marital relationship to a suspect. A suspect's parents, siblings, or spouse were all vulnerable to this practice, the goal of which was to compel an at-large suspect to surrender or to coerce a confession from one already arrested.

In December the military briefly jailed a Dajabon area radio broadcaster, reportedly arresting him without written authorization from the correct judicial authorities (*see* Section 2.a.).

Local human rights observers reported roundups of Haitian and Dominican-Haitian construction workers. Officials allegedly took groups of darker-skinned or "Haitian-looking" individuals to empty buildings soon after they were paid, in order to extort money from them (*see* Section 5).

Many suspects endured long pretrial detention. About 82 percent of the national prison population was awaiting trial; of these, about three-quarters were "prisoners without sentences," and the remainder had convictions under appeal. The average pretrial detention throughout the country was well over 6 months. Time already served counted toward a sentence.

The failure of prison authorities to produce the accused for court hearings was slightly less pronounced during the year but still caused a significant percentage of trial postponements (*see* Section 1.e.). Prisoners often had their court dates postponed because they were not taken from the prison to court, or because their lawyer or witness did not appear. The authorities held some prisoners even though there were no formal charges against them.

Due to the historical inefficiency of the courts (*see* Section 1.e.), the granting of bail served as a de facto criminal justice system, and defendants awarded bail rarely faced an actual trial. As a rule, few defendants were granted bail. Large numbers of prisoners, who had served at least half their sentences, were pardoned each August 16 and at year's end.

Most detainees and prisoners could not afford adequate defense services. The program of the Commissioner for the Reform and Modernization of Justice, which had lawyers to defend people for free, ceased operation due to lack of funds. On May 31, the Supreme Court created a National Office of Judicial Defense to provide legal advice and representation to poor people being processed in courts. This program was supported by foreign donors, and as of August 26, eight lawyers were chosen for the National Judicial Defense Program.

The judicial system sometimes failed to protect the status of minors in criminal cases (*see* Sections 1.c. and 5).

The law prohibits forced exile, and there were no reports of its use. However, persons who asserted that they were citizens sometimes were expelled to Haiti (*see* Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, attempts by public and private entities, including the executive branch, to undermine judicial independence persisted. Civil society groups encouraged judicial independence. The judiciary received training funded by foreign donors in order to improve its ability to resist outside interference, but such influence remained a problem. Court officials also began to implement new selection criteria for judges.

The judiciary includes a 16-member Supreme Court, appeals courts, courts of first instance, and justices of the peace. There are also specialized courts that handle administrative, labor, land, and juvenile matters. Under the 1994 constitutional amendments, the Supreme Court is responsible for naming all lower court judges in accordance with a judicial career law. The Supreme Court has been complete since 2001, when the National Council of Magistrates (CNM) met to fill three vacancies. The Government has established 17 of the 25 courts provided for by law, including 5 courts for children and adolescents.

Until recently, military and police tribunals enjoyed exclusive jurisdiction over cases involving members of the security forces. These tribunals, while functioning similarly to criminal courts, had judges and prosecutors who were military or police officers, and the results generally were not made public. Decisions could be appealed, including to the Supreme Court. Although police tribunals could remand accused officers to civilian court jurisdiction, this almost never occurred under the leadership of police chiefs prior to Chief Marte. Military courts tried military personnel charged with killings, but depending upon the severity of the offense, a panel of senior officers could send the case to the civilian courts. When a police officer was involved in a questionable incident, the case went to a police commission of superior officers for investigation. If it was determined that the police officer exceeded his authority, the case was sent to the police tribunals or possibly to the civilian courts, depending on the severity of the offense. In the security force killings committed during the year, numerous officers were remanded to civilian criminal courts (*see* Section 1.a.).

In 2000 six civil society groups made a submission to the Supreme Court on the issue of the legality of Law 285, which encompasses the Code of Police Justice. Civil society groups argued that police tribunals violated the Constitution, and that they

weakened the separation and independence of governmental functions, as well as the exclusivity of the judicial function in the administration of justice. The lawsuit asked the court to rule on the constitutionality of these tribunals; a judgment still was pending as the court awaited passage of police reform legislation at year's end. However, in one case, in December 2001, the Supreme Court set what the Attorney General termed a precedent by ruling that in peacetime, certain criminal offenses involving security forces should be tried in civilian courts (*see* Section 1.a.).

Public pressure existed for military or police boards to remand cases involving serious crimes to civilian court jurisdiction, and multiple such cases were remanded during the year. In other cases, civil authorities requested that the police turn over their files so that cases of suspected extrajudicial killings might be evaluated independently for possible prosecution. Although mid-ranking officers were sometimes uncooperative, there was significant high-level cooperation from the National Police and military in requested investigations during the year (*see* Section 1.c.).

The judicial system is based primarily on the Napoleonic Code. Judges, rather than juries, render all verdicts. Following the commission of a crime, the criminal process begins with the arrest of possible suspects. During the investigative phase, suspects are questioned repeatedly and urged to confess. The Constitution provides for the right not to be arrested without judicial warrant except in cases where the suspect is caught in the act; the right not to be deprived of liberty without trial or legal formalities, or for reasons other than those provided by law; the right not to be a witness against oneself; and the right to a defense in an impartial and public trial. The authorities commonly violated these rights.

The most serious and common violation of these rights occurred when police detained suspects, sometimes for many days, without allowing them to call family members, while subjecting them to frequent questioning (*see* Section 1.d.). Although accused persons were entitled to have an attorney present, they often were not permitted to call one or, if one arrived, the attorney was not permitted to be present during the questioning. Torture frequently was used to coerce a confession during questioning (*see* Section 1.c.). Under these circumstances, suspects may confess to acts that they did not commit merely to get relief from the intense questioning and the detention. The results of these interrogations frequently formed the only evidence presented at the trial.

The law provides for the remedy of "amparo," an action any citizen may bring for violation of a constitutional right, including violations by judicial officials, in accordance with the terms of the American Convention on Human Rights. The process of dispute resolution, including reconciliation, mediation, and arbitration, continued to be used as an alternative to trial and incarceration.

A large backlog of criminal cases remained in the National District and throughout the country. The Supreme Court's plans to unclog the court dockets were frustrated by the Government's failure to allocate sufficient funds. Dockets were crowded with traffic infractions that should have been heard in the traffic courts provided for by statute; these courts had not been established, due to a lack of funds. Other complications in clearing the backlog arose from the lack of funds for transporting prisoners to court. Many cases were rescheduled when the accused or key witnesses did not appear.

During the year, the Government adopted a new criminal code intended to simplify court procedures, accelerate the justice system, and discontinue the practice of holding a person in jail while trial procedures were underway. The new code supports the presumption of innocence until proven guilty. President Mejia established a commission to handle the preparations necessary to implement the new criminal code by 2004.

During the year, the Supreme Court also began a pilot program to bring the courts to the jails to expedite the processing of inmates, since transporting inmates to the courts was one of the biggest obstacles to the administration of justice. Of the more than 16,500 inmates in custody, only 15 to 30 percent had been sentenced. The program, which should help relieve prison congestion, began at San Cristobal Najayo jail in August and was to expand to La Victoria prison, the largest jail in the country, followed by Monte Plata.

While in 2000 the congestion in the criminal system was reduced by more than 50 percent through use of community conciliation centers, those gains largely were lost during the last 2 years. It was clear that the change of 90 percent of Public Ministry officials by the Mejia administration in August 2000 resulted in a marked deterioration of the technical competence and ethical standards of prosecutors around the country. The practical effect has been a decrease in the ability to combat impunity and a deterioration in the quality of justice available to the poor.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution contains provisions against arbitrary entrance into one's home; however, police sometimes broke into private quarters without cause to search for suspects, and the authorities infringed on citizens' privacy rights in other ways as well. Although the Government denied arbitrary use of wiretapping or other surreptitious methods to interfere with the private lives of persons or families, it had not taken steps to dismantle an active private wiretapping industry. In September the Dominican Human Rights Commission reported that police captured Priscilla Diaz Infante, allegedly involved in the Feliz Mendez murder, by tapping the Commission's telephones (*see* Section 1.c.).

The law permits the arrest of a suspect caught in the act of committing a crime, and police may enter a residence or business while in hot pursuit of such suspects. Otherwise, judges must authorize arrests and issue search warrants. However, the police continued to violate these requirements. The Dominican Human Rights Committee reported that police carried out raids on private homes in many poor Santo Domingo neighborhoods, including Capotillo, Gualey, Guandules, Guachupita, Los Alcarrizos, and La Zurza; police allegedly went into homes without search warrants to look for delinquents.

According to the Dominican Human Rights Committee, the police on several occasions used force to remove squatters from state-owned lands in and near Santo Domingo.

The police continued to detain relatives and friends of suspects in order to pressure suspects to surrender or to confess (*see* Section 1.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Newspapers and magazines freely presented a diversity of opinion and criticism; there were eight daily and seven weekly newspapers and three weekly magazines. However, journalists and editors at times practiced self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners.

Numerous privately owned radio and television stations broadcast all political points of view. The Government controlled one television station.

In December the military briefly jailed a Dajabon area radio broadcaster, who implicated the President's son in the illicit sale of agricultural products on a program discussing the cross-border contraband trade. The Listin Diario newspaper reported that the executive branch replaced the local District Attorney, Maria de los Santos Tejada, after she demanded that the military free the journalist, who had been arrested in the evening, without written authorization from the correct judicial authorities. The Government planned to proceed with a libel and defamation suit. The arrest and firing created waves of protest in various sectors, and local religious and civil society groups staged peaceful protest marches in Dajabon.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice; however, there were some exceptions, and the Government at times restricted this right. Outdoor public marches and meetings require permits, which the Government usually granted; however, the police used force to break up demonstrations on several occasions throughout the year, which sometimes resulted in deaths and injuries. The Government used deadly force to disperse demonstrators calling for completion of public works projects, the provision of potable water, and the cessation of blackouts (*see* Section 1.a.).

In March the police killing of a bus driver caused violent protests (*see* Section 1.a.). Metropolitan transit police intercepted a 40-minibus protest parade in the Villa Juana area, leading to 35 arrests and various injuries. The authorities eventually released those arrested.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties frequently affiliated with their foreign counterpart organizations. Professional organizations of lawyers, doctors, teachers, and others functioned freely and maintained relationships with counterpart organizations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution prohibits discrimination on religious grounds, and many religions and denominations were active.

The Catholic Church, which signed a concordat with the Government in 1954, enjoyed special privileges not extended to other religions. These included the use of public funds to underwrite some church expenses, such as rehabilitation of church facilities, and a complete waiver of customs duties when importing goods into the country.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of travel, except for limitations imposed under judicial sentence, or police regulations for immigration and health reasons, and the Government generally respected these provisions in practice; however, there were some exceptions. Citizens faced no unusual legal restrictions on travel within or outside the country. The police occasionally blocked roads to search cars for weapons and drugs (*see* Section 1.d.). Local and international human rights groups cited discrimination against Haitian migrants, whom they said were subject to arbitrary and unilateral action by the authorities, and the military reportedly killed some migrants attempting to enter the country (*see* Section 1.a.).

Haitians continued to migrate in great numbers to the Dominican Republic, some legally but the vast majority without legal documents, in search of economic opportunity. Some illegal migration was assisted by the authorities, who profited from it. Throughout the year, the security forces, particularly the army, repatriated undocumented Haitian nationals believed to be in the country illegally. The Directorate of Migration reported that it repatriated over 12,000 Haitians during the year. In some cases, the Government denied those deported the opportunity to demonstrate that they were legal residents in the country or to make arrangements for their families or property.

The Haitian Embassy began a pilot program to issue identity documents to Haitian adults residing in the country, and it issued over 30,000 such documents during the year. Most Haitians, including those making clandestine crossings of the border, did not have identification papers of any kind. The lack of identification made it difficult for the authorities to provide social services, such as education, to Haitian children.

NGOs and Catholic priests familiar with the process have protested that children born of Haitian parents in the Dominican Republic, generally denied registration as citizens, frequently were among those deported as illegal Haitians (*see* Section 5).

In December a judge ordered the Central Electoral Board (responsible for registering births and providing national identification cards) to grant Dominican nationality to two sons of illegal Haitian immigrants on the grounds that the children were born on Dominican soil. This ruling generated controversy, and some members of Congress asked the Supreme Court to overturn the lower court decision, based on the fact that the parents were "in transit," and therefore the children could not acquire Dominican nationality. For years, the term "in transit" had been interpreted to include anyone not legally residing in the country, which included the vast majority of Haitians, regardless of the years they had spent in the country. The Supreme Court refused to hear an appeal, and many prominent figures publicly spoke out in favor of the lower court ruling.

In 2000 the Inter-American Court of Human Rights heard a case presented by human rights organizations, alleging that massive expulsions, repatriations, and deportations of Haitians and Dominican-Haitians by the Government violated international human rights law. The Court's decision requested that the Government provide more detailed information about the condition of individuals in the border shantytowns who potentially were subject to forced expulsions and asked for a report every 2 months on provisional measures adopted to comply with the Court's decision. The Government provided the Court with the bimonthly reports and expected the Court to send the issue again to the IACHR.

NGO representatives working in rural areas reported that decisions to deport often were made by lower-ranking members of the security forces, sometimes based upon the racial characteristics of the deportees. Such officials approached persons who looked like Haitians, including persons who had very dark complexions and fairly poor clothing, and engaged them in conversation, mainly to check their use of Spanish and any accent they might have. If such persons spoke Spanish poorly or with a noticeable accent, they were sometimes detained and deported.

While the Government had a policy of strictly enforcing documentary requirements and repatriation for those found lacking documents, it appeared to have a more tolerant unofficial policy fueled by the reality of dependence on Haitian labor for certain agricultural and construction work. Thus, after being stopped as a suspected illegal Haitian migrant, an individual could be allowed to remain in the country despite lack of documentation if the story about work satisfied the official.

NGOs reported corruption among the military, migration authorities, and other border officials and noted that these government representatives sometimes allowed the transit of Haitian workers into the country.

In September a Belgian priest, Pedro Ruquoy, stated that members of the army, migration officers, and privatized sugar mills were all complicit in smuggling field hands from Haiti. The priest said that in a visit to Puerto Escondido, near the frontier, he visited installations used to lodge Haitians temporarily prior to their transfer to the sugar mills. The priest estimated that 30,000 undocumented Haitians had been smuggled through this center and said that those recruiting the Haitians received about $8 (150 pesos) a person (*see* Section 6.f.). Haitians recruited for the sugar mills usually worked for only one harvest but remained in the country, securing better-paying jobs in construction.

The Government did not actively cooperate with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government asserted that it provided first asylum and resettlement. According to a 1984 presidential decree, an applicant for refugee status must be referred to the Technical Subcommittee of the National Commission for Refugees by the National Office of Refugee Affairs in the Migration Directorate. The subcommittee, which makes a recommendation to the commission (both chaired by the Foreign Ministry), is made up of members from the Foreign Ministry, the DNI, and the Migration Directorate. The commission, which makes a final decision on the application, consists of the three members of the subcommittee; the legal advisor to the President; and members from the National Police, the Ministry of Labor, and the Attorney General's office.

As of December, more than 100 applications for refugee status had been filed with the Office of Refugees in the Migration Directorate, nearly all by Haitians. In 2001 the National Commission for Refugees met for the first time since 1993. The National Commission reviewed over 65 cases but did not make any decisions on pending refugee cases at that time and has not met since. However, the Technical Subcommittee met several times during the year, referring dozens of cases back to the Migration Directorate for technicalities such as lack of properly documented claimant signatures or identities.

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

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

The Constitution provides citizens with the right to change their government peacefully through periodic elections. Citizens exercised this right in generally free and fair congressional elections in May.

The President and all members of the Senate and the Chamber of Deputies are elected freely every 4 years by secret ballot. There is universal adult suffrage; however, active duty police and military personnel may not vote. Voting is restricted to those who can document nationality. The Central Electoral Board conducts all elections. During the year, the legislature adopted constitutional reforms affecting the electoral system, including a provision that the President may be reelected one time. The reforms abolished a system whereby voters were locked into the polling site until all voting had concluded, and women and men no longer have to vote at separate times.

Congress provided an open forum for the free exchange of views and debate. The main opposition party was the PLD, which held 1 of 32 seats in the upper house and 42 of 150 seats in the lower house. A third major party, the PRSC of former President Balaguer, held 2 seats in the upper house and 36 seats in the lower house; various smaller parties were certified to contest provincial and national elections.

The nation had a functioning multiparty system. Opposition groups of the left, right, and center operated openly. The President often dominated public policy formulation and implementation. He could exercise his authority through the use of the veto, discretion to act by decree, and influence as the leader of his party. Traditionally, the President has predominant power in the Government, effectively making many important decisions by decree. The President appoints the governors of the 32 provinces.

Women and minorities confronted no serious legal impediments to political participation. By law parties must reserve 33 percent of positions for women on their lists of candidates for city councils; however, the parties often placed women so low on the lists as to make their election difficult or impossible. A woman, Milagros Ortiz-Bosch, was Vice President. Two women served in the 32-member Senate; women held 24 seats in the 150-member Chamber of Deputies. Women continued

to be represented in appointed positions, albeit to a limited degree. The President of the Chamber of Deputies was a woman, as were three cabinet secretaries. Women filled 5 of the 16 seats on the Supreme Court.

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

Nongovernmental human rights organizations generally operated freely without government interference, and government officials were somewhat cooperative and responsive to their views. In addition to the Dominican Human Rights Committee, the National Human Rights Commission, and the nongovernmental Truth Commission (addressing the Narciso Gonzalez case), several Haitian, church, women's, and labor groups existed.

In February 2001, Congress passed a law creating a human rights ombudsman's office, although selection of the individual to fill the position still remained pending at year's end. The law provides that the Ombudsman is appointed for 6 years, with authority over public sector issues involving human rights, the environment, women's issues, youth issues, and consumer protection.

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

The law prohibits discrimination based on race and sex; however, such discrimination existed, and the Government seldom acknowledged its existence or made efforts to combat it.

Women.—Domestic violence was widespread. NGOs estimated that 40 percent of women and children were victims of domestic violence. Under the 1997 Law Against Domestic Violence, the State can prosecute for rape, incest, sexual aggression, and other forms of domestic violence. Penalties for these crimes range from 1 year to 30 years in prison and carry fines ranging from $30 to $6,000 (500 to 100,000 pesos). The Secretariat of Women, as well as various NGOs, had outreach programs on domestic violence and legal rights. The Government's center in Villa Juana (Santo Domingo) for the legal support and forensic examination of abused women handled over 100 cases per day. Due to the success of this first center, the Government opened a second center and planned four more. There were no functioning shelters for battered women.

The Department of Children, Teenagers, and Family of the Attorney General's Office issued 2,600 protection orders in favor of women during the first 6 months of the year, of which 25 percent were for spouses of military personnel or policemen involved in domestic violence. According to government statistics, 107 women were killed in "crimes of passion" during the year.

Rape was a serious problem and was believed to be widely underreported. The Santo Domingo District Attorney's office received 1,706 rape or sexual violation complaints during the year. The penalties for committing rape are 10 to 15 years in prison and a fine of $6,000 to $12,000 (100,000 to 200,000 pesos). The State can prosecute a suspect for rape even if the victim does not file charges, and rape victims may press charges against a spouse. Victims often did not report cases of rape because of fear of social stigma, as well as the perception that the police and the judiciary would fail to provide redress. The police were reluctant to handle rape cases and often encouraged victims to seek assistance from NGOs.

The law prohibits sexual harassment in the workplace; however, the law was not enforced, and sexual harassment was widespread.

Prostitution is illegal; however, the Government usually did not enforce prostitution laws. Sex tourism was a growing industry throughout the country as the number of international visitors increased. NGOs conducted HIV/AIDS and sexually transmitted disease prevention programs for male and female prostitutes, hotel and industrial zone workers, and other high-risk groups. The Domestic Violence Law prohibits acting as an intermediary in a transaction of prostitution, and the Government used the law to prosecute third parties that derived profit from prostitution.

Divorce was easily obtainable by either spouse, and women could hold property in their own names apart from their husbands. Traditionally, women did not share equal social and economic status or opportunity with men, and men held the majority of leadership positions in all sectors. In many instances, women were paid less than men in jobs of equal content and equal skill level. Some employers reportedly gave pregnancy tests to women before hiring them, as part of a required medical examination. Union leaders and human rights advocates reported that pregnant women often were not hired.

Children.—Despite the existence of government institutions dedicated to child welfare, private social and religious organizations carried the principal burden for such services. The Oversight Organization for the Protection of Children, created by the executive branch, was the primary government institution responsible for child

welfare. It carried out community information campaigns on children's rights, including the prevention of child abuse, child labor, and family violence. It also provided training to persons and groups providing social services to children, judicial officials, and other children's advocates. Private institutions received 35 to 40 percent of the budget of the Oversight Organization. The Ministry of Youth operated programs on drug prevention and HIV/AIDS awareness.

The 1994 Minor's Code requires 8 years of formal education. Children of Haitian descent experienced difficulties attending school due to their lack of official status. The code contains provisions against child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. It also provides for removal of a mistreated child to a protective environment. According to local monitors, instances of child abuse were underreported because of traditional beliefs that family problems should be dealt with inside the family. However, child abuse received increasing public attention.

In the National District, the Department of Family and Children, in the Office of the Prosecutor, administered the Minor's Code and arranged conciliation of family conflicts, the execution of court decisions with respect to child protection, and interviews with children whose rights had been violated.

Abuse, including physical, sexual, and psychological, was the most serious human rights violation affecting children. The Department of Family and Children estimated that 50 percent of the children in the country were victims of some sort of abuse, although few such cases reached the courts. In the majority of the cases, the accused was a person close to the child: A father, grandfather, uncle, brother, cousin, or close family friend. The criminal law provision on sexual abuse and intrafamily violence provides for a penalty of 10 to 20 years' incarceration and a fine of $6,600 to $13,200 (108,000 to 216,000 pesos) for persons found guilty of sexual abuse of a minor, and up to 30 years if the victim is a family member of the abuser.

The Ministry of Health estimated that between January and June, there were 894 births by adolescents under age 15 and 15,560 births by adolescents between the ages of 15 and 19, some of which reportedly resulted from rape or incest.

Trafficking and sexual exploitation of children was a serious problem (*see* Section 6.f.). Poor adolescent girls and boys sometimes were enticed into performing sexual acts by the promise of food or clothing; sometimes they were forced into unsafe relationships with strangers by the need for money. Once involved, they could be held against their will by individuals who sold their sexual favors to others. Some of these minors were lured from their parental homes; others were already on the street.

The judicial system sometimes failed to protect the status of minors in criminal cases (*see* Sections 1.c. and 1.e.). In accord with the Minor's Code, the Government established 17 courts of first instance for minors and 5 appeals courts for minors, the latter in Santo Domingo, Santiago, San Pedro, San Cristobal, and La Vega. Although these juvenile courts were organized with a focus on rehabilitating offenders, very few social services were available for minors. In practice, juveniles were detained in excess of the time permitted by law and often sent to jail rather than referred for rehabilitative services. There were legal advocates especially for juveniles in Santo Domingo and La Vega to provide them with representation in delinquency cases. Human rights monitors reported numerous cases of sexual abuse of minors in Najayo prison (*see* Section 1.c.).

Child labor was a serious problem in the informal sector of the economy (*see* Section 6.d.). It was common for minors to be put on the street to fend for themselves as younger siblings claimed the parent's meager resources. Homeless children called "palomas" (doves) were frequently at the mercy of adults who collected them and put them to work begging and selling fruit, flowers, and other goods on the street. In return for their work they were given basic housing. The ages at which these children worked, the hours they worked, and their failure to comply with compulsory school attendance all violated the law, but the Government has not been able to combat this practice.

Persons with Disabilities.—Persons with disabilities encountered discrimination in employment and in the provision of other services. The law provides for physical access for persons with disabilities to all new public and private buildings; however, the authorities did not enforce this law uniformly. There was a Subsecretariat for Rehabilitation under the Ministry of Public Health, a recreation center for persons with disabilities in Las Caobas, and a department in the Sports Ministry to facilitate athletic competition for such persons. However, there was little consciousness of the need to make the daily lives of persons with disabilities safer and more convenient. For example, new street construction made few provisions for such persons to cross the streets safely.

The Dominican Rehabilitation Association (ADR), which receives about 30 percent of its budget from the Government, had 17 affiliates throughout the country and provided services for 2,500 persons daily.

Discrimination against persons with mental illness was common, and there were few resources dedicated to the mentally ill.

National/Racial/Ethnic Minorities.—A strong prejudice against Haitians exists and disadvantaged many Haitians and Dominicans of Haitian ancestry, as well as other foreigners of African descent (*see* Sections 1.d. and 2.d.). The Government rarely acknowledged the existence of this discrimination.

Efforts to stem the influx of illegal Haitian immigrants made it more difficult for those Haitians already in the country to live peacefully or legally. Although infrequently enforced, police regulations threatened those offering transportation to illegal immigrants with confiscation of their vehicles and discouraged taxi and bus drivers from picking up darker-skinned persons. In roundups of illegal immigrants, the authorities picked up and expelled darker Dominicans as well as legal Haitian residents (*see* Section 1.d.).

Perhaps 500,000 Haitian immigrants—or 6 percent of the country's population—lived in shantytowns or sugar cane work camps, in harsh conditions with limited or no electricity, running water, or schooling. There were estimates that as many as 1 million Haitians lived in the country. Human rights groups regularly charged the Government with unlawful deportations of, and police brutality toward, these immigrants—most of whom resided in the country illegally and therefore received little or no protection under the law (*see* Sections l.c., 1.d., and 2.d.).

The Government refused to recognize and document as citizens many individuals of Haitian ancestry born in the country (*see* Section 2.d.). Since many Haitian parents never possessed documentation for their own births, they were unable to demonstrate their own citizenship or that of their children. Lack of birth registration sometimes deprived children of Haitian descent of the opportunity to attend school where there was one available. Even when permitted to attend primary school, the children of Haitian parents rarely progressed beyond sixth grade. In 2001 the Secretary of Education announced that all children would be allowed to enroll in school through the eighth grade, whether or not they had a birth certificate. The Central Electoral Board agreed to facilitate acquisition of birth certificates by parents who could produce identity cards in order that all children would have birth certificates to enroll in school. NGOs reported that higher numbers of Haitian children enrolled in school during the year, and according to a census conducted by the Secretariat of Education, at least 63,000 children without birth certificates—of both Dominican and Haitian parents—attended school.

Sometimes poor Haitian families arranged for Dominican families to "adopt" and employ their children to ensure a more promising future for them. The adopting parents registered the child as their own. In exchange, the parents received monetary payment or a supply of clothes and food. In many cases, adoptive parents did not treat the adoptees as full family members and expected them to work in the households or family businesses rather than attend school, resulting in a kind of indentured servitude, at least until the young person reached majority (*see* Section 6.c.). There were reports that Haitian girls between the ages of 10 and 14 were the most sought after, especially in border areas.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the freedom to organize labor unions, and all workers, except the military and the police, were free to organize. Organized labor represented an estimated 10 percent of the work force and was divided among four major confederations and a number of independent unions. There were 3,524 registered unions in the country, but an estimated 61 percent were inactive. The 1992 Labor Code provides extensive protection for worker rights and specifies the steps legally required to establish a union, federation, or confederation. The code calls for automatic recognition of a union if the Government has not acted on its application within 30 days. In practice, the Government readily facilitated recognition of labor organizations.

The Government generally respected association rights and placed no obstacles to union registration, affiliation, or the ability to engage in legal strikes. However, enforcement of labor laws was sometimes unreliable, inhibiting employees from freely exercising their rights.

Unions were independent of the Government and generally independent of political parties. The law forbidding companies to fire union organizers or members was enforced selectively, and penalties were insufficient to deter employers from violating worker rights. The Dominican Solidarity Center asserted that since the 1999 privatization of the sugarcane industry, employers had been responsible for the dis-

appearances of over 150 union organizers or members (*see* Section 1.b.). There were additional reports of widespread discreet as well as overt intimidation by employers in an effort to prevent union activity, especially in the Free Trade Zones (*see* Section 6.b.).

The Dominican Federation of Free Trade Zone Workers (FEDOTRAZONAS) reported significant antiunion activity at the FM company in Santiago between July and September. According to FEDOTRAZONAS, when manager Jose Miguel Torres could not dissuade the organizing committee from forming a labor union within FM, management attempted to plant three new "workers" in the burgeoning union. These three new workers, wielding machetes, beat members of the organizing committee, one of whom eventually shot and wounded one man holding a machete. A day later, the two remaining members of the antiunion group showed up in front of the company with a truckload of heavily armed ruffians to look for the rest of the organizing committee, the remainder of whom had fled. On October 25, the organizing committee once more informed management of employees' intent to unionize. Management again brought in additional "workers" who physically assaulted members of the organizing committee, and on November 29, violently expelled those members of the organizing committee who refused to stop prounion activity. As a result of these incidents, the Labor Secretariat cited the FM company for violating the Labor Code.

According to the Dominican Solidarity Center, in September approximately 140 employees of the FTZ company Ramsa in Santiago were fired without cause when they were forming a collective bargaining agreement; 98 percent of those fired were union members or pregnant women. Management allegedly bribed eight union organizers about $55,000 (1 million pesos) each in order to dissuade them from further prounion activity or agitation. The Secretariat of Labor cited Ramsa for several infractions of the Labor Code, including maternity rights violations, and charged the company with violating the Penal Code. This was the first time the Government brought a case of this sort against a FTZ company; the initial hearing on the matter was scheduled for January 2003.

In 2000 the Caribbean Sugar Producer's Consortium laid off 150 workers at its sugar mill in Consuelo in retaliation for having formed a trade union. A court order succeeded in getting the majority of the workers reinstated, and those persons received some compensation for the period during which the workers were unemployed. Those who were not reinstated still had not received compensation at year's end, and the original owners left the country, making it difficult to enforce the court's judgment.

Labor unions can and do affiliate freely regionally and internationally.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is legal and may take place in firms in which a union has gained the support of an absolute majority of the workers. Only a minority of companies have collective bargaining pacts, and the International Labor Organization (ILO) considered the requirements for collective bargaining rights to be excessive and found that in many cases they could impede collective bargaining. The Labor Code stipulates that workers cannot be dismissed because of their trade union membership or activities; however, in practice, workers sometimes were fired because of their union activities.

The Labor Code establishes a system of labor courts for dealing with disputes. While cases did make their way through the labor courts, enforcement of judgments was sometimes unreliable.

The Constitution provides for the right of workers to strike (and for private sector employers to lock out workers). Requirements for officially calling a strike include the support of an absolute majority of all company workers whether unionized or not, a prior attempt to resolve the conflict through mediation, written notification to the Ministry of Labor, and a 10-day waiting period following notification before proceeding with the strike. Brief work stoppages, or unofficial strikes, were more common. During the year, members of several major transportation unions briefly walked off the job to protest countrywide toll hikes. The Government sometimes responded with force to disperse demonstrations in support of strikes (*see* Section 2.b.).

In June the Secretariat of Labor charged a Korean-owned FTZ company with violating the Hygiene Code in an incident in which toxic fumes sickened approximately 100 employees. (The company had been repainting work areas during business hours.) This led the local union to initiate a collective bargaining agreement, but the company refused to negotiate several clauses, and negotiations broke down completely on December 4. In October the company began laying off workers, including a large number of union members and activists. By year's end, the factory had begun moving equipment and primary materials to an affiliate located in the Moca FTZ.

The Labor Code applies in the 40 established FTZs, which employed approximately 160,000 workers, mostly women. Workplace regulations and their enforcement in the FTZs did not differ from those in the country at large, although working conditions were sometimes better, and the pay was occasionally higher. Mandatory overtime was a common practice, and it was sometimes enforced through locked doors or loss of pay or jobs for those who refused (*see* Section 6.c.).

There were reports of widespread discreet intimidation by employers in the FTZs in an effort to prevent union activity (*see* Section 6.a.). Unions in the FTZs reported that their members hesitated to discuss union activity at work, even during break time, for fear of losing their jobs. Some FTZ companies were accused of discharging workers who attempted to organize unions. In the FTZs, while there may be as many as 10 collective bargaining agreements on paper, only 3 actually functioned. The majority of the unions in the FTZs are affiliated with the National Federation of Free Trade Zone Workers (FENATRAZONAS) or the FEDOTRAZONAS. FENATRAZONAS estimated that only 3 percent of the workers in the FTZs were unionized.

Many of the major manufacturers in the FTZs had voluntary "codes of conduct" that included worker rights protection clauses; however, it was not known if they incorporated the ILO's Fundamental Principles and Rights at Work. In general, workers rarely had heard of such codes or the principles they set out. It also was not known how many workers received training about the codes, if workers had any effective means of asserting their rights under them, or whether any of the codes were subject to credible independent monitoring.

c. Prohibition of Forced or Bonded Labor.—The law prohibits all forms of forced or bonded labor, including by children; however, such practices still existed in the adult worker population and among children in the informal sector. Young children "adopted" by families worked under a kind of indentured servitude, and homeless children were made to beg by adults (*see* Section 5). Trafficking in women and children, particularly for purposes of prostitution, was also a problem (*see* Section 6.f.).

The FENATRAZONAS noted that mandatory overtime in the FTZ factories was a common practice. Workers also reported that their employers locked factory doors with chains so they could not leave, and took incentive pay away from or fired those who refused to work overtime. For example, many companies used an incentive system in which a team of 12 to 15 persons was given a quota to fill by the end of the week, in order to receive extra benefits. Most teams were unable to fill the quota to receive the benefits and were not paid overtime pay for the extra time they put in to attempt to fill the quota. Union officials stated that newly hired workers were not informed that overtime was optional.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits employment of children less than 14 years of age and places restrictions on the employment of children under the age of 16; however, child labor was a serious problem. Restrictions for children between the ages of 14 and 16 include limiting the daily number of working hours to 6, prohibiting employment in dangerous occupations or in establishments serving alcohol, and limiting nighttime work. A company could face legal sanctions and fines if caught employing underage children. Children between the ages of 14 and 16 may work in apprenticeship and artistic programs. A national child labor survey conducted by the Labor Ministry found that 428,720 children between the ages of 5 and 17 worked. (The total estimated population for this age group was 2.4 million.) Of these children that worked, 56 percent were less than age 14; 21 percent were between 14 and 15, and the remaining 23 percent were adolescents 16 or older; 90 percent of those that worked also attended school.

The high level of unemployment and lack of a social safety net created pressures on families to allow or encourage children to earn supplemental income (*see* Section 5). Tens of thousands of children began working before the age of 14. Child labor took place primarily in the informal economy, small businesses, clandestine factories, and prostitution. Conditions in clandestine factories were generally poor, unsanitary, and often dangerous. The Government attempted to eliminate the use of children for cutting sugar cane; however, there were still some reports that poor Haitian and Dominican adolescents accompanied their parents to work in the cane fields, with the tacit acceptance of sugar companies. Also, human rights groups reported a slight increase in the number of undocumented Haitian 14- and 15-year-olds working in the cane fields.

The Ministry of Labor, in collaboration with the ILO's Program on the Eradication of Child Labor and other international labor rights organizations, implemented programs to combat child labor. These included the national child labor survey and a program to remove children from dangerous agricultural work in San Jose de Ocoa,

Constanza, and Azua. The Constanza program removed over 550 children, twice as many as the targeted number, from work in hazardous agriculture, and placed them in schools.

The law prohibits forced or compulsory labor by children; however, such practices persisted in the informal sector, and trafficking in girls was a serious problem (*see* Section 6.f.). There were no confirmed reports of forced child labor in the formal sector.

e. Acceptable Conditions of Work.—The Constitution empowers the executive branch to set minimum wage levels, and the Labor Code assigns this task to a national salary committee. Congress also may enact minimum wage legislation. The minimum monthly salary was $135 (2,490 pesos) in the FTZs, and $200 (3,690 pesos) outside the FTZs. The minimum wage did not provide a decent standard of living for a worker and family; it only provided approximately one-third of the income necessary to sustain an average family. The national poverty level, which was based on a basket of goods and services consumed by a typical family, was $357 (6,607 pesos) per month for a family of five.

The Labor Code establishes a standard work period of 8 hours per day and 44 hours per week. The code also stipulates that all workers are entitled to 36 hours of uninterrupted rest each week. In practice, a typical workweek was Monday through Friday plus a half day on Saturday, but longer hours were common. The code grants workers a 35 percent differential for work totaling between 44 hours to 68 hours per week and double time for any hours above 68 hours per week. Overtime was mandatory at some firms in the FTZs (*see* Section 6.c.).

Conditions for agricultural workers were poor, especially in the sugar industry. Most sugar cane worker villages lacked schools, medical facilities, running water, and sewage systems, and had high rates of disease. On sugar plantations, cane cutters usually were paid by the weight of cane cut rather than the hours worked. Employers often did not provide trucks to transport the newly cut cane at the conclusion of the workday, causing workers to receive lower compensation because the cane dried and weighed less. Many cane cutters earned less than $4.00 (80 pesos) per day and were paid in tickets that were redeemable for cash every 2 weeks. Because workers earned so little and sometimes could not wait until payday to redeem their tickets, an informal barter system evolved in which the tickets also were used to purchase items at private stores located on the plantations. These private stores made change by giving back a combination of tickets and cash, but the stores often retained 10 percent of the cash due a customer.

The Dominican Human Rights Committee and shantytown residents reported that conditions of work for cane workers had deteriorated since the industry was privatized in 1999. In various sugarcane industry shantytowns, field guards reportedly kept workers' clothes and documents to prevent them from leaving. Employers also withheld wages to keep workers in the fields.

Workers reportedly were paid less, worked longer hours, and had fewer benefits, according to the committee. The Dominican Solidarity Center reported that since 1999, over 150 union organizers or members within the sugarcane industry disappeared (*see* Section 1.b.). The center alleged that employers were responsible for these disappearances.

The Dominican Social Security Institute (IDSS) sets workplace safety and health conditions. During the year, Congress passed a new Social Security law that expanded coverage of the social security programs. Both the IDSS and the Ministry of Labor had a small corps of inspectors charged with enforcing standards. The Secretariat of Labor had 250 inspectors who seek to improve sanitation, health care, and safety for workers. Included in this number was a smaller, specialized corps (eight in Santo Domingo) of inspectors for the FTZs. Inspector positions customarily were filled through political patronage, and bribes from businesses were common. In practice workers could not remove themselves from hazardous working situations without jeopardizing employment.

f. Trafficking in Persons.—There was no comprehensive law to prohibit trafficking in persons or to provide victim services, although several laws could be used against it. Trafficking in women and children from, to, and within the country remained a serious problem. Women 18 to 25 years of age were at the highest risk for being trafficked. Principal destination countries were in Europe and Latin America, and included Spain, Italy, the Netherlands, Switzerland, Germany, Greece, Belgium, Curacao, San Martin, Aruba, Panama, Venezuela, and Argentina. Women were trafficked to the United States, although in smaller numbers. Within the country there was a serious problem of prostitution of minors, primarily in the tourist areas. The ILO and the International Organization for Migration (IOM) reported a growing problem of Haitian women and children being trafficked to beg in the streets; ac-

cording to the Director General of Migration, the trafficking ring linked to these beggars was under investigation.

Government agencies that had a role in combating trafficking often kept statistics only on illegal immigration, since they seldom differentiated between trafficking and illegal immigration. NGOs such as the Center for Integral Orientation and Investigation (COIN), and international organizations such as UNICEF and IOM that worked with trafficking victims, were able to provide general numbers through interviews with individuals and extrapolation. The Directorate of Migration estimated that there were approximately 400 rings of alien-smugglers, traffickers, and purveyors of false documents operating within the country. These individuals profited by facilitating the trafficking of women to Europe and the Eastern Caribbean under false pretenses and for purposes of prostitution. According to COIN and IOM, traffickers were usually small groups involving just a few people. Usually there was a contact in the destination country and a few persons in the Dominican Republic who handled obtaining identification and travel documents and recruited the persons to be trafficked.

According to the Directorate of Migration, individual members of that directorate, the armed forces, or National Police who facilitate, condone, or were complicit in trafficking activities or migrant smuggling were investigated, and fired or prosecuted when appropriate. NGOs reported corruption among the military and migration border officials and noted that these officials sometimes cooperated with the transit of Haitian workers into the country to work on sugar plantations and construction sites (*see* Sections 2.d. and 6.d.).

Accion SIDA, an HIV/AIDS NGO, estimated that children constituted 10 to 15 percent of the total number of persons engaged in the country's sex industry. Some elements within the tourist industry facilitated the sexual exploitation of children; particular problem areas were Boca Chica and Puerto Plata. Tours were marketed by foreigners overseas with the understanding that boys and girls could be found as sex partners. In July the National Prosecutor's Office and the Association of Hotels signed an agreement to combat the exploitation of children in the tourist industry. Journalists reported that a large number of prostitutes in brothels around the National District appeared to be between 16 and 18 years of age. Newspaper reports indicated that as many as 30,000 children and adolescents may be involved in the sex industry. There were several church-run shelters that provided refuge to children who escaped prostitution. Prostitution was the principal means of exploitation of underage girls in the informal economy.

The Interinstitutional Committee for the Protection of Migrant Women, composed of seven governmental institutions, one professional association, two nongovernmental organizations and a religious order, became the lead organization dealing with this problem through its regular monthly meetings and its cosponsorship of an August seminar on the role of the State and civil society with respect to fighting trafficking. It also assumed a coordination function since it was comprised of the key agencies and organizations interested in and responsible for combating trafficking.

The Secretariat of Labor also became much more involved with trafficked minors through its program to fight the worst forms of child labor. The ILO began a pilot program in Boca Chica to identify and work with children involved in the sex trade and to coordinate with the Secretariats of Health and Education to provide psychological support and medical assistance, and to return the children to the classroom.

COIN counseled women planning to accept job offers in Europe and the eastern Caribbean about immigration, health, and other issues including the dangers of trafficking, forced prostitution, and domestic servitude. The program also provided services to returning women. COIN administered the Center for Health and Migration Information for Migrant Women that carried out community education campaigns in high risk areas on various issues, including citizenship, legal work requirements, dangers of trafficking, forced prostitution, and domestic servitude.

Several laws may be applied to prosecute those who traffic in persons, one of which establishes sanctions against alien smugglers involved in illegally transporting people into and out of the country. That law provides that persons involved in planning, financing, facilitating, or organizing the illegal transportation of persons shall be imprisoned for a period of 3 to 10 years and fined $600 to $3,000 (10,000 to 50,000 pesos). However, in practice if these smugglers were foreigners, they did not spend time in prison; they were simply deported. The law also provides that if military personnel, police officers, or agents of the public authority participate in the commission of the acts mentioned, the tribunal shall impose the maximum penalties. In addition, a law specifically targeting procurers of prostitutes may be used to combat trafficking in persons; it imposes jail terms of 2 to 10 years and fines of up to $6,000 (100,000 pesos) for traffickers involved in the promotion

of prostitution. This law makes procurement of minors and adolescents, as well as threats of violence, aggravating factors. The 1997 Law Against Domestic Violence, as well as the Minor's Code, create protection under both civil and criminal law against particular situations that may be conducive to, or acts that may be a part of, the traffic in persons, whether female or male, minors or adults. There is no law that provides substantial protection and rehabilitation services to victims of trafficking.

According to the Directorate of Migration, cases of trafficking were investigated actively. In October members of the Armed Forces and migration authorities were investigating a ring of traffickers in La Vega, a point of origin for many trafficked women who ended up in Switzerland and Austria, but no arrests had been made.

The Oversight Organization for the Protection of Children sought to prevent abuse of the child adoption process by those intending to sell or exploit children through prostitution or child pornography. The Department of Family and Children was concerned about kidnapings, especially of infants, for sale to foreigners who deliberately sidestepped legal formalities—including those of their own country. The Government sought to protect children from being victimized by those who would adopt them. Many children left the country as adoptees, but government officials made such adoptions more difficult to deter would-be traffickers from abusing the system.

The Government did not have services for assisting trafficking victims such as temporary or permanent residency status, relief from deportation, shelter, or access to legal, medical and psychological services. When trafficked individuals were repatriated from abroad, they were given a "control record" that went into their official police record, and they were interviewed by a Migration Inspector. According to COIN, most victims were too embarrassed or afraid to seek legal action against traffickers. The Government initiated specialized training for Dominican Consuls posted in Europe on how to provide assistance to trafficked persons. COIN worked to develop relationships with embassies and consulates that serve trafficked victims and with other NGOs in destination countries that serve similar populations.

ECUADOR

Ecuador is a constitutional republic with a 100-member unicameral legislature that was chosen in free and fair elections in October 2002. The National Congress is composed of four major parties, six minor parties, and three independents spanning the spectrum from center-right to extreme left. In November Lucio Gutierrez was elected President and will assume office on January 15, 2003, succeeding Gustavo Noboa. The judiciary is constitutionally independent but in practice was inefficient and susceptible to outside pressure.

While the civilian authorities generally maintained effective control of the security forces, the military enjoyed substantial autonomy, which was reinforced by revenues generated from civil aviation, shipping, and other commercial sectors. The civilian Ministry of government is in charge of the National Police, which is responsible for domestic law enforcement and maintenance of internal order. In February President Noboa declared a state of emergency in Sucumbios and Orellana Provinces due to local anti-government protests; this gave him the authority to use troops to monitor and react to public protests. Throughout the year, the military continued to supplement the police on an ad hoc basis. Some police and members of the military continued to commit human rights abuses.

The economy, which is in the third year of recovery from a severe economic recession, is based on private enterprise, although there continues to be significant government involvement in key sectors such as petroleum, utilities, and aviation. The country's population is estimated at 12.2 million. The principal exports are oil, bananas, shrimp, and cut flowers, which, together with emigrant remittances and tourism, are the country's leading sources of foreign income. Most citizens were employed in the urban informal sector or as rural agricultural workers; rural poverty was extensive, underemployment was high, and there was severe maldistribution of income. A U.N. Development Program report estimated that 71 percent of the citizens lived in poverty in 2001 of whom 30 percent were indigent, with an almost total lack of resources. Annual inflation was approximately 9.4 percent.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remain. There were credible reports that police, security forces, and semiofficial entities committed killings using unwarranted lethal force. Security forces killed three persons during demonstrations; however, the number of killings during demonstrations declined from 2001 levels, and members of the security forces also faced prosecution and prison sentences for some

violations. Police tortured and otherwise mistreated prisoners and detainees. Prison conditions remained poor. Persons often were subject to arbitrary arrest, and prolonged detention was a problem. Once incarcerated, persons without lawyers may wait up to 1 year before being tried or released. Nearly one-half of the detainees in jail have not been sentenced formally. The Government prosecuted a few human rights abusers; however, in most cases there was no prosecution or punishment. The judiciary was politicized, inefficient, and sometimes corrupt, which undermined the rule of law. There was some self-censorship in the media. Between June and August, unknown assailants broke into the offices of three human rights organizations and searched their files and computers. The police used tear gas and other methods to quell protesters. Violence and pervasive discrimination against women, indigenous people, and Afro-Ecuadorians remained problems. Child labor remained a problem. Mob violence and vigilante killings persisted. Ecuador was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of politically motivated killings; however, there continued to be credible reports that police, security forces, and semiofficial entities such as neighborhood brigades used excessive force and committed killings. (Neighborhood brigades or "juntas" are civic defense groups organized by the National Police to provide an anticrime presence in neighborhoods. Their members were not authorized to carry firearms but often did.) Through November the Ecumenical Committee for Human Rights (CEDHU) reported 23 killings by security forces, compared with 62 killings during all of 2001. In some instances, there was insufficient evidence to reach a conclusion as to what occurred; however, the killings sometimes exhibited a suspicious pattern.

Three bodies were discovered along the highway around Guayaquil during the first 9 months of the year, compared with 26 bodies discovered along the highway in 2001. Some human rights groups allege that the Intervention and Rescue Group (GIR) police or the semi-autonomous Guayas Transit Commission police (CTG) (operating under the Mayor's anticrime plan Mas Seguridad) were involved in these killings; others asserted that criminals were responsible. In almost all of these cases over the past 2 years, government agencies did not investigate. However, there was a police investigation in the case of David Delgado and Carlos Lara, whose bodies were found along the highway around Guayaquil on January 1. The bodies showed evidence of torture and bullet wounds. A neighbor claimed to have seen six men dressed in GIR uniforms take the two victims away in a car on December 29, 2001. Five police officers were indicted in the case; as of December, the case remained pending in the police court system.

Security forces killed three persons during demonstrations (*see* Sections l.c. and 2.b.). On January 11, during national protests against the Government's increase in the price of fuel, police in the city of Cuenca shot and killed 16-year-old student Damian Pena. As of December, the case remained under investigation by the prosecutor's office. At the time of the killing, students had been throwing stones at the police, and the police had fired tear gas at the protesters. On February 24, during protests in Sucumbios and Orellana Provinces, a house in Lago Agria was destroyed when gas tanks inside the house exploded. When police arrived at the scene, they shot and killed 26-year-old Marcelo Zambrano, who was unarmed. Bystanders said the police shot Zambrano because he was slow to comply with an order to lie down on the ground. As of December, one policeman was under investigation for the killing, and no final decision had been made by the police court system. There were reports that a second person, Luis Guerra Pachacama, was shot and killed by security forces during the protests in Orellana. One witness said that members of the military, who had fired tear gas and bullets at demonstrators, shot Pachacama. As of December, the investigation into the death of Pachacama appeared to be stalled, and no further details in the case were known.

On March 24, in the town of Puyo, a policeman shot and killed Congressman Eduardo Vasconez. According to bystanders, at 3:30 a.m. Vasconez and policeman Fausto Bosques Cajas came to blows in an argument, and Bosques fired one shot at Vasconez. The cause of the argument was unclear, but apparently it started after Bosques had stopped some youths. Bosques was charged in the case, but as of December, no verdict had been reached.

In June Rodrigo Ron died in prison under suspicious circumstances (*see* Section 1.c.).

On July 1, police in Sucumbios detained taxi driver Klever Abad for transporting a type of fuel that is used in processing cocaine. According to police, Abad threw himself into a river to avoid arrest. His body was found several days later,

24 miles from the bridge, with apparent gunshot wounds. After an investigation, a policeman was charged in the case; however, as of December, the case remained in the police court system.

In the case of the February 2001 killing of Joffre Aroca, policeman Carlos Rivera spent more than a year in prison without being sentenced. Rivera escaped from prison in April but was captured and—after returning to prison—was sentenced to 8 years in prison for the murder of Aroca. Rivera appealed his sentence and was released from prison at the end of April, since he had already served more than a year in prison.

In August 2001, 22-year-old lieutenant Julio Robles died during a military hazing event known as a "baptism," which took place at the B1–21 Infantry Battalion in Macara. As of December, the case against three members of the army remained in the military courts without a final resolution. In December President Noboa decreed that the three defendants be discharged from the military.

In March a court sentenced five policemen to 12 years in prison for the murder of Pedro and Carlos Jaramillo, and the attempted murder of Pedro Baque, in 1999. Baque survived eight gunshots and testified against the policemen. The court released three other policemen Baque implicated in the attack.

Six policemen were sentenced to 8 years imprisonment in September for the December 2000 murders of Pedro and German Akintiua. The policemen killed the father and son, members of the Shuar indigenous community, during an altercation. The policemen's appeal of the decision remained pending at year's end.

Three individuals (not members of government security forces) were arrested for the 1999 killings of Jaime Hurtado Gonzalez, a member of Congress from the far-left Popular Democratic Movement party, and two associates. The three were released after spending 1 year in jail. In November the prosecutor for the case completed an investigation of the case, but at year's end the judge had not decided whether to try the three suspects.

There were cases of mob violence that resulted in lynching and burning of suspected criminals (*see* Section l.e.). Mobs or vigilante groups killed 11 crime suspects in the first 9 months of the year; individual lynching continued to occur in all parts of the country, especially in indigenous communities in remote areas of the highlands. For example, on January 27, in the Cuendina neighborhood south of Quito, 3 men were accused of robbing a bakery. Hundreds of residents assembled, seized the men, beat them, and burned them alive. On July 13, police in Santa Rosa arrested Franklin Pauta for murder. Police attempted to move him to a different town; however, residents blocked the highway. The police returned to the police station, where an estimated 3,500 residents surrounded them, threw Puata off the second floor, and shot him. As of December, there were no reports of arrests in either case.

In 2001 an indigenous group, known as "Los Justicieros," was accused of implementing vigilante justice. In July 8 members of this group were sentenced to 8 years in prison for kidnaping a judge.

There was no update in the case against vigilantes for the March 2001 murder of Patterson Manzano. The case remained stalled in the court system.

b. Disappearance.—There were no reports of politically motivated disappearances and no disappearances attributed to the police.

Nine policemen and one civilian were convicted for the November 2001 murders of Elias Elint Lopez Pita and Luis Alberto Shinin Lazo: Five for premeditated homicide, two as accomplices, and three as accessories after the fact.

Criminal kidnaping for profit continued to be a problem in the northern regions that border on Colombia. There were reports of extortions and threats of kidnaping of ranchers, farmers, and businessmen. There were no reliable estimates of the number of such extortions or kidnapings—often attributed to Colombian armed gangs—since many victims did not report the crimes for fear of retribution.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and similar forms of intimidation and punishment; however, the police continued to torture and abuse suspects and prisoners, usually with impunity.

The CEDHU published detailed reports on suspects who reported being tortured by specific police officers. Through November it had registered 23 cases of torture involving 64 victims and had noted complaints of "physical aggression" by police or security forces against a total of 312 persons. The Permanent Committee for the Defense of Human Rights (CDH) reported 10 cases of torture by police and 70 cases of torture by prison guards between January and September in Guayas Province

alone. In most cases, the police appeared to have abused such persons during investigations of ordinary street crime. The victims reported that the police beat them, burned them with cigarettes, applied electric shocks, or threatened them. In May five persons testified that police in the city of Cuenca submerged them in freezing water until they confessed to committing crimes. A special commission was formed to investigate the accusations, and as of December, four policemen were under investigation.

In June Rodrigo Ron, former police superintendent for the province of Pichincha, died in prison under suspicious circumstances. According to the authorities, he died after he fell in his cell. However, an autopsy detailed bruises on many parts of his body, broken ribs, and a 2-inch cut in the back of his head. Ron had been accused of being the leader of a band of car thieves. After the press revealed inconsistencies between the initial story and the autopsy, prison authorities began an investigation. By year's end, the case was under investigation by a prosecutor, but no charges had been filed.

No action was taken in the February 2001 case of the alleged torture of warehouse clerk Jose Ramires by members of the National Police and the Air Force Combat Command in Guayaquil, and none appeared likely.

There were complaints that security forces used excessive force during demonstrations and that protesters were beaten while in detention. (*see* Sections 1.a. and 2.b.).

Police corruption was also a problem. Charges were dropped in April against former Guayas Police Chief and Intelligence Director General Abraham Correa for drug trafficking in the case against drug trafficker Carlos Hong. Correa frequently had visited Hong's residence and business and had intervened to free Hong's wife when she was arrested. One of Correa's subordinates still faced charges in the case. A total of 150 police officers were fired in 2001 for infractions related to human rights violations or corruption.

There was no activity in the cases of police officer Freddy Veloz and off-duty corporal Miguel Noriega who in 2000 had been accused, respectively, of rape and of shooting and wounding another person.

Unknown parties set off 14 small bombs during the year. On September 25, pamphlet bombs exploded in Guayaquil at the headquarters of the Social Christian Party and at a branch office of Ecuador's largest bank. One individual was injured. Pamphlets left at both sites said that the "Revolutionary Militia of the People" was responsible.

Conditions in prisons and detention centers generally were poor and tended to be worse in the tropical coastal areas than in the temperate highlands. Overcrowding was a chronic problem elsewhere. According to the National Judiciary Board, in September there were 9,641 inmates incarcerated in facilities originally designed to hold 6,571 prisoners. In Manabi Province, where 3 prisons were built to hold 390 prisoners, there were 620 inmates in September. Prison authorities routinely investigated deaths in custody. During the year, a number of prisons experienced serious outbreaks of disease, including meningitis. In 2001 Congress increased the penalties for serious offenses in an attempt to curb rising crime. Prison officials feared the measures would exacerbate overcrowding, but overcrowding did not increase significantly. Pretrial detainees are not held separately from convicted prisoners. There are no separate facilities for repeat offenders or dangerous criminals, nor are there effective rehabilitation programs. Construction of new prisons was underway. During the year, the daily amount allocated for prison rations increased from 70 cents to 75 cents per inmate.

The Constitution requires that prisoners charged with lesser offenses (those carrying a maximum sentence of 5 years or less) and who have been detained for more than 1 year without a trial obtain their freedom immediately. By August approximately 2,420 inmates had been released under this law since it went into force in 1999.

Inmates in a number of prisons protested against a proposed change to sentencing guidelines. Inmates sentenced for a number of less serious crimes routinely serve only half their sentence. The proposed change would have mandated increased jail time for these prisoners. In February prisoners began protests, including hunger strikes, and in May inmates in a Quito prison held approximately 300 visitors hostage. The proposal was dropped by the Attorney General on May 30, and the prisoners' protests ended.

At year's end, women constituted 9 percent of the total prison population. Women were held separately from men, and conditions were notably better in the women's prison in Quito than in other facilities. There also were separate facilities for juveniles. Children in these facilities often faced abuse.

The Government permitted prison visits by independent human rights observers. The National Police Directorate Specializing in Children (DINAPEN) served as a monitoring group for preventing abuse in prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the Penal Code provide that no person may be deprived of liberty without a written order from a governmental authority; however, the authorities often violated these legal protections in practice, and arbitrary arrest and detention remained problems. The law requires the authorities to issue specific written arrest orders within 24 hours of detention—even in cases in which a suspect is caught committing a crime—and the authorities must charge the suspect with a specific criminal offense within 48 hours of arrest. All detained persons may challenge the legality of their detention by petition within 48 hours of their arrest, but in practice few such petitions were brought forward. The senior elected official (usually the mayor) of the locality in which the suspect is held reviews any such petitions. Regardless of the legality of a detention, a prisoner may be released only by court order. In some cases, detainees who are unaware of this, or who do not have the funds to hire a lawyer, may remain in prison for an extended period of time before being released. Bail generally is not available, and the law prohibits it in cases of narcotics and major offenses (i.e., offenses that "affect or put at risk" the public, punishable by 3 to 35 years imprisonment).

Although the law prohibits incommunicado detention, human rights organizations continued to report occasional cases of this practice. Even when the police obtain a written arrest order, those charged with determining the validity of detention often allowed frivolous charges to be brought, either because they were overworked or because the accuser bribed them. The system frequently was used as a means of harassment in civil cases in which one party sought to have the other arrested on criminal charges. Investigative detention up to and including trial is legal if a judge determines that it is necessary and if evidence that a crime has been committed is presented. The new Criminal Procedures Code limits immediate detention to 48 hours for suspicion of committing a crime and establishes preventive detention of 6 months for minor offenses and 12 months for major offenses once trial has begun.

There were mass arrests during protests in January and February (*see* Sections 1.a. and 2.b.). During the January protests, according to Amnesty International, police detained over 200 protesters some of whom reported being beaten during their detention. The authorities arrested approximately 100 persons during the state of emergency in Sucumbios and Orellana Provinces in February and early March. Most were released in early March.

The Constitution prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary was susceptible to outside pressure and corruption. Despite continuing efforts to depoliticize and modernize the court system, the judiciary continued to operate slowly and inconsistently. Judges reportedly rendered decisions more quickly or more slowly as a result of political pressure, or in some cases, the payment of bribes. A 2001 survey by the Latin American Corporation for Development revealed that 54 percent of judges believed that other judges were corrupt. There were lengthy delays before most cases came to trial.

The judiciary is composed of the Supreme Court, superior circuit courts, other courts and tribunals that hear cases in accordance with the Constitution and other laws, and the Judicature Council, which is charged with administering the court system and disciplining judges. There also are military and police tribunals that have the same status as circuit courts, while criminal, provincial, and cantonal (county) courts serve as courts of first instance.

The regular court system tries most nonmilitary defendants, although some indigenous groups try members independently for violations of tribal rules. The law permits police or military courts to try police officers and military defendants in closed sessions, in accordance with the respective military and police court martial manuals. Only the Supreme Court may try cases involving flag-rank officers. The police court does not announce verdicts or punishments, reinforcing the strong impression that the police are immune from prosecution. The 1998 Constitution places both police and military justice under the control of the Supreme Court. However, the three systems have not yet been integrated, although weak efforts to do so continued.

The Supreme Court that took office in 1997 publicly recognized the shortcomings of the judicial system and pledged to improve the quality and training of judges. In 1998 the Supreme Court supervised the selection by open competition of all appellate judges. Between January and September, the Judicature Council that took office in 1998 received 891 complaints against various judges. Thirty judges were dismissed from their posts during the year. There are over 55,000 laws and regula-

tions in force. Many of these are conflicting, and judges have been known to pick and choose from archaic legislation in an arbitrary or capricious manner. The resulting lack of clear rules contributes to what widely is referred to as "juridical uncertainty."

The failures of the justice system contributed to a growing number of cases in which communities took the law into their own hands. Lynching and burnings of suspected criminals by citizens and quasi-official groups continued (*see* Section 1.a.). These occurred particularly in indigenous communities and poor neighborhoods of major cities, where there is little police presence.

The law provides for due process rights for criminal defendants, but the authorities, including the Chief Prosecutor's office, often did not observe these rights in practice. By law the accused is presumed innocent until proven guilty, and defendants have the right to a public trial, defense attorneys, and appeal. They may present evidence, refuse to testify against themselves, and confront and cross-examine witnesses. Although a public defender system exists, in practice there are almost no attorneys available to defend the large number of impoverished suspects.

Trial is supposed to begin within 15 to 60 days of the initial arrest; however, in practice initiation of the trial phase can take years. Nearly half of all incarcerated persons had not been tried and sentenced. Accused narcotics traffickers and suspects in major crimes cannot obtain bail or be released on their own recognizance.

In July 2001, a new Criminal Procedures Code went into effect and fundamentally changed the criminal justice system from an inquisitorial system to an accusatorial system. Under the new system, the Chief Prosecutor's office is to investigate and prosecute crimes, while the role of judges is to become neutral arbiters presiding over oral trials. Previously, judges and their staffs investigated crimes with the help of the police while the public prosecutors ("fiscales") monitored the judges' progress. Under the new system, prosecutors have wide discretion in deciding which cases can proceed. The judiciary now hears criminal cases in oral trials, compared with the previous slow, predominantly written inquisitorial system. The National Police continued to work as investigators, but now are under the direction of the prosecutors. There are no juries in the justice system. The new code is intended to strengthen the justice system by improving due process and enhancing the rights of the accused through measures such as habeas corpus and limits on preventive detention (*see* Section 1.d.). In December the Government authorized the formation of an organizing committee to coordinate implementation of the abrupt change in roles, functioning, and procedures for the criminal justice system. The supplies and training available remained inadequate to meet the newly expanded role of the prosecutor's office.

The 1998 Constitution also explicitly recognizes the indigenous communities' right to exercise their own system of justice, based on their traditions and customs. However, the law does not yet specify how this is to work in practice. This parallel system has raised questions of both jurisdiction and conformity to the right to a fair trial.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices, government authorities generally respected these prohibitions, and violations were subject to effective legal sanctions. Wiretapping by the national police to investigate crimes is legal with a court order. However, members of the police did conduct wiretapping that is not officially sanctioned, in part due to a lack of specific procedural guidance.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these provisions in practice; however, there were some significant exceptions.

Individuals criticized the Government publicly and privately without fear of reprisal. There is a free and vigorous press. Ownership of the media is broadly based, and editorials represented a wide range of political views and often criticized the Government. However, some degree of self-censorship in the print media occurred, particularly with respect to politically sensitive issues or stories about the military and its related industries. Self-censorship appeared to have operated in the media coverage of the labor dispute on a banana plantation owned by wealthy businessman and presidential candidate Alvaro Noboa (*see* Section 6.b.). This dispute received little coverage in the national media, despite Noboa's economic and political prominence. In addition, most elements of the media were influenced by economic considerations and tended to reflect the narrow, regional interests of their owners.

All of the major media organs—newspapers, radio, and television—are locally and privately owned, except for one government-owned national radio station. The law

limits foreign investment in broadcast media. Using a law promulgated by the last military regime that requires the media to give the Government free space or broadcast time, the Government may and did require television and radio to broadcast programs produced by the Government featuring the President and other top administration officials.

According to the Inter-American Press Association, during the state of emergency that occurred in Sucumbios and Orellana Provinces in February (*see* Sections 1.a. and 2.b.), the Government ordered four radio stations to stop broadcasting anything other than music for 3 days, in the interest of public security.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of free assembly for peaceful purposes, and the Government generally respected this right in practice; however, there were some limits, and security forces used force to quell some demonstrations, resulting in deaths and injuries (*see* Sections 1.a. and 1.c.). Public rallies require prior government permits, which generally were granted, although exceptions occurred.

In January there were significant protests around the country against an increase in fuel prices (*see* Sections 1.a. and 1.d.). Police used tear gas, detained approximately 200 protesters, killed one person; at least 9 others suffered mostly minor injuries. In February and March, demonstrators blocked roads, and disrupted business in the Amazonian provinces of Sucumbios and Orellana (*see* Sections 1.a. and 1.d.). Police and military forces again used tear gas, killed 2 persons, injured several others, and arrested approximately 100 demonstrators. There was no official review of the level of force used to restore order. In the cases of the killings, there was no indication that the demonstrators posed a serious threat to the police.

Numerous other labor and student demonstrations took place without major incident in the capital and the outlying regions during the year. Protesters often blocked roads (*see* Section 2.d.). In general the security forces intervened in demonstrations only when there was violence against bystanders or destruction of property.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government does not require religious groups to be licensed or registered unless they form non-governmental organizations (NGOs) that engage in commercial activity.

The overwhelming majority of the population consider themselves to be Roman Catholic, although many citizens either did not regularly practice the religion or followed a syncretistic version that combines indigenous beliefs with orthodox Catholic doctrine. The Government allowed missionary activity and religious demonstrations by all religions. The Government did not permit religious instruction in public schools; private schools are permitted to teach religion, as are parents in the home. There are no restrictions on publishing religious materials in any language.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, frequent military and police roadblocks often presented problems for travelers using public transportation, especially at night. Protesters often blocked roads (*see* Section 2.b.). The Government requires all citizens to obtain exit visas when traveling abroad, which are granted routinely. Military and minor applicants must comply with special requirements.

The law provides for granting refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The issue of provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

The Foreign Ministry reported that for the year there were 6,270 applications for refugee status. Since January 2000, a total of 10,958 individuals had applied, and at year's end, 5,595 applicants awaited determination of their status. During the year, the authorities denied 1,365 applications and granted 1,713. Approximately 99 percent of these refugees and applicants were Colombians; according to the UNHCR, the majority of displaced Colombians were impoverished peasants fleeing fighting, but some were adolescents escaping forced recruitment by illegal armed groups in Narino and Caqueta. Most displaced persons still came from Putumayo and transited Sucumbios, Quito, and Tulcan to return home. The Government and the

UNHCR developed a plan to cope with a potential refugee influx into Sucumbios Province of up to 10,000 persons.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In October a new Congress was elected, and in November voters selected Lucio Gutierrez in the second round presidential election. Election observers from the Organization of American States, the European Union, and the Ecuadorian NGO Citizen Participation termed the elections peaceful, free, and fair. President-elect Gutierrez will assume office on January 15, 2003, succeeding Gustavo Noboa. The President's term is 4 years, and the President may not serve consecutive terms.

Deputies are elected to Congress for 4-year terms. Several parties were represented in the 100-member Congress, and no one party dominated. The Social Christian Party had the most seats (26). There were also three other major parties and six smaller parties represented in Congress. Eighteen members of Congress ran on an alliance of two or more parties.

Voting is mandatory for literate citizens over 18 years of age and voluntary for illiterate citizens. The law does not permit active duty members of the military to vote. The Constitution bars members of the clergy and active duty military personnel from election to Congress, the presidency, or the vice presidency. The Constitution provides that if a political party fails to garner a minimum of 5 percent of the votes in two open elections, the party must be eliminated from the electoral registry. Twelve parties were registered.

No specific laws prevent women or minorities from attaining leadership positions in government. President-elect Gutierrez won the election in alliance with Pachakutik, the largest indigenous political party. However, few women, indigenous people, or Afro-Ecuadorians occupied senior positions in government. A 1998 law requires that in 2000 at least 30 percent of the candidates for Congress and some local positions be women, and that in each subsequent election an additional 5 percent of the candidates be women (for example, 35 percent in 2002), until 2008 when 50 percent of the candidates are to be women. Women held 17 of 100 seats in Congress, the largest proportion in the country's history. President-elect Gutierrez named four female cabinet ministers, including the first female Minister of Foreign Affairs.

The indigenous movement, which previously shunned politics, formed the electoral movement "Pachakutik" and has run candidates for national, provincial, and local office in all elections since 1996. In November's elections, Pachakutik formed an alliance with President-elect Gutierrez. Pachakutik has five members in Congress, and an additional nine members of Congress ran on an alliance ticket that included Pachakutik. Pachakutik is associated closely with the politically active Confederation of Ecuadorian Indian Nationalities (CONAIE). Indigenous members of the National Constituent Assembly and their supporters won important constitutional protections for indigenous rights in the 1998 Constitution. President-elect Gutierrez named two indigenous cabinet members.

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

A number of domestic and international human rights groups operated without restriction, investigating and publishing their findings on human rights cases. Domestic human rights groups, such as the CEDHU and the regional Latin American Human Rights Association (ALDHU), were outspoken in their criticism of the Government's record on specific cases. The Government has contracted with the ALDHU to provide mandatory human rights training to the military and the police.

The offices of three human rights groups were broken into between June and August. The nature of the break-ins indicated that these were not simple robberies. Files were opened, laptop computers were turned on but not stolen, and in one case a computer hard drive was stolen. The police investigations appeared to be superficial and no arrests were made.

In September during a press conference in Quito, a visiting senior U.N. official publicly questioned President Noboa's grasp of human rights following Noboa's August criticisms of "some" human rights groups for "protecting criminals" and "threatening national security."

The office of the Ombudsman ("Defensor del Pueblo") was created in 1998 to ensure ongoing attention to human rights problems; however, some observers criticized its lack of independence in practice. In 2000 Congress removed the Ombudsman from office on charges of fraud for acts that he committed while he was acting Attor-

ney General, and Congress has not named a permanent replacement. Claudio Mueckay continued as acting Ombudsman at year's end. In November the office of the Ombudsman completed a new procedures manual that will be used to ensure that the procedures of all local ombudsman offices throughout the country are uniform.

In 1998 the Government decreed an ambitious National Human Rights Plan with the goal of preventing, penalizing, and eradicating human rights violations in the country. The three branches of government, as well as the independent Ombudsmen's office and a number of NGOs contributed to development of this plan, and the U.N. contributed funds to support it. The Government continued to implement various aspects of the plan, including training of the Congress on human rights matters, seminars, publication of documents, and a contingency plan for refugees. In October several prominent human rights NGOs publicly criticized the Government's lack of progress in implementing the plan. In December the Government released its "Human Rights Operative Plan" which described possible mechanisms for implementing the National Human Rights Plan.

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

The Constitution prohibits discrimination based on race, sex, or social status. In addition, the 1998 constitutional reforms explicitly increased the rights of women, children, and minorities, and required Congress to pass legislation implementing these rights promptly. Congress has been only partially successful in carrying out this mandate. Women, indigenous people, and Afro-Ecuadorians continued to face significant discrimination.

Women.—Although the law prohibits violence against women, including within marriage, abuses were widespread. The Law Against Violence Affecting Women and Children criminalized spousal abuse, including physical, sexual, and psychological abuse; created family courts; and reformed the Penal Code to give courts the power to remove an abusive spouse from the home. The law also gives legal support to the Government's Women's Bureau in cases of sexual harassment in the workplace.

The Office of Gender, in the Ministry of government, reported 50,794 cases of sexual, psychological, or physical mistreatment of women in 2000. Women may file complaints against a rapist or an abusive spouse or companion only if they produce a witness. Some communities have established their own centers for counseling and legal support of abused women. The Government addressed such problems through its Women's Bureau; however, although the Bureau can accept complaints about abuse of women, it has no authority to act on the complaints but refers cases to the prosecutor's office. The Women's Bureau has projects in all provinces.

Many rapes were not reported due to the victims' reluctance to confront the perpetrators. The penalty for rape is up to 25 years in prison. In cases of statutory rape involving "amorous" sex with a minor, if the rapist marries the victim the charges against him, or anyone else who took part in the rape, cannot be pursued unless the marriage subsequently is annulled. In 2001 Congress increased the penalty for rape where death occurred to 35 years in prison.

Sexual harassment in the workplace was common. Typical cases of sexual harassment reported in the press involved instances where a supervisor solicited sexual favors from an employee.

Regulated adult prostitution is legal so long as the businesses are registered with the Government and follow health regulations.

Discrimination against women is pervasive in society, particularly with respect to educational and economic opportunities for those in the lower economic strata. The increasingly active women's movement alleged that culture and tradition inhibited achievement of full equality for women. There were fewer women than men employed in professional work and skilled trades, and pay discrimination against women was common.

The Ecuadorian Women's Permanent National Forum included more than 320 women's organizations and promoted social, economic, and cultural change through various methods, including increasing political participation by women. In addition, the National Women's Council provides support for approximately 500 women's organizations, many of which promoted social consciousness and greater participation by women in the political process. The Women's Political Coordinator, an NGO that operated in 22 provinces, promoted similar themes relating to women's rights, with emphases on political participation and human rights. It also focused on young women and Afro-Ecuadorian women.

Children.—The Government did not take effective steps to provide for the welfare of children. The Constitution requires that children achieve "a basic level of education," estimated at 9 years of school; however, due to the lack of schools in many rural communities, the Government's failure to provide adequate resources, and the

economic needs of families, the Government rarely enforced this requirement in practice. The National Statistics Institute reported in 2001 that 1 out of 6 citizens between the ages of 13 and 20 had not completed the sixth grade. Education is free. The Constitution provides that 30 percent of the public budget must be devoted to education; however, in practice only half of that amount was spent. The Government has programs in 18 urban areas that provide families with educational subsidies as an incentive to keep children in school. In rural areas, many children attend school only sporadically after 10 years of age to able to contribute to household income as farm laborers (*see* Section 6.d.).

There is no societal pattern of abuse against children.

Child prostitution was a problem (*see* Section 6.f.)

Government resources to assist children traditionally have been limited. Approximately 61 percent of children under the age of 5 years are malnourished. After declining in previous years, it appeared that government spending on education slightly increased during the year.

More than 20 NGOs promoted child welfare. Several private organizations were very active in programs to assist street children, and UNICEF also ran a program in conjunction with the Central Bank. The children of the poor often experienced severe hardships, especially in urban areas.

Persons with Disabilities.—There was no official discrimination against persons with disabilities in employment, education, or the provision of other state services. The Constitution recognizes the rights of persons with disabilities. In April 2001, Congress passed legislation to promote the rights of persons with disabilities, including access to education, employment, transportation, and communication. However, the Government has few resources to ensure access to these services in practice. In September the U.N. awarded the country the Franklin Delano Roosevelt International Disability Award in recognition of its creation of a national council and a national plan for persons with disabilities.

Indigenous Persons.—While at least 85 percent of all citizens claim some indigenous heritage, those who maintain their indigenous cultural identity and live in indigenous communities comprise between 15 and 20 percent of the total population. The vast majority of indigenous citizens reside in rural areas, including the highlands and the Amazonian provinces, and most live in varying degrees of poverty. A 2000 government study found that 79 percent of indigenous children lived under the poverty line. Land is scarce in the more heavily populated highland areas, where high infant mortality, malnutrition, and epidemic disease were common. Electricity and potable water often were unavailable. Although the rural education system was seriously deficient, many indigenous groups participated actively with the Ministry of Education in the development of the bilingual education program used in rural public schools.

The Constitution recognizes the rights of indigenous communities to hold property communally, to administer traditional community justice in certain cases, and to be consulted before natural resources are exploited in community territories. Indigenous people also have the same civil and political rights as other citizens. In the Amazon area, indigenous groups have lobbied the Government, enlisted the help of foreign and domestic NGOS, and mounted protests (including kidnaping oil workers in December) in their attempts to win a share of oil revenues and a voice in exploitation and development decisions. The Constitution expressly recognizes the indigenous communities' right to be consulted on, but not the right to approve, oil exploration and development. The communities tended to be consulted on such matters, although their wishes were not always met. Oil companies increased their efforts to minimize the environmental and social impact of their oil projects in the Amazon but continued to face criticism from indigenous groups that environmental damage continued.

Despite their growing political influence and the efforts of grassroots community groups, which were increasingly successful in pressuring the Government to assist them, indigenous people continued to suffer discrimination at many levels of society. With few exceptions, indigenous people were at the lowest end of the socioeconomic scale.

Following protests in January and February 2001, the three main indigenous groups—CONAIE, the Federation of Indigenous and Black Peasants of Ecuador (FENOCIN), and the Federation of Evangelical Indigenous of Ecuador (FEINE)—tabled 23 topics for discussion with the Government, including the claims by indigenous groups for indemnities over lives lost during the protests. After President-elect Gutierrez won in alliance with the mostly indigenous political party Pachakutik, the talks were discontinued.

CONAIE was at the forefront of protests in 2000 that toppled President Mahuad. CONAIE also attempted to arrange a popular referendum and engaged in public demonstrations to protest government economic austerity measures and to urge the repeal of economic modernization laws involving privatization of state-owned enterprises.

National/Racial/Ethnic Minorities.—The population of the rural, northern coastal area includes large numbers of Afro-Ecuadorian citizens. They suffered widespread poverty and pervasive discrimination, particularly with regard to educational and economic opportunity. There were no special government efforts to address these problems.

Five major Afro-Ecuadorian organizations were active in the country; the largest was the National Afro-Ecuadorian Confederation, with headquarters in Quito. It estimated that Afro-Ecuadorians accounted for more than one million persons, or approximately 9 percent of the total population. While the presence of Afro-Ecuadorians has grown in the fields of sports and culture, their educational opportunities continued to be limited.

The press has focused on lingering racism among all strata of society. Afro-Ecuadorian organizations noted that despite the absence of official discrimination, societal discrimination, including stereotyping, continued to affect them. For example, they asserted that the police stop Afro-Ecuadorians for document checks more frequently than they stop other citizens.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and Labor Code provide most workers with the right to form trade unions. The labor code does not explicitly prohibit employers from interfering in the establishment or functioning of worker organizations; however the labor code explicitly prohibits employers from dismissing workers while they are forming a union or negotiating a collective contract, although the penalties for violations are relatively minor. Members of the police and the military and public sector employees in nonrevenue producing entities are not free to form trade unions. The 1991 Labor Code reforms sets the number of workers required for an establishment to be unionized at 30, which the International Labor Organization's Committee on Freedom of Association considers too stringent a limitation at the plant workers' council level. In June the ILO again criticized the 30-worker minimum and called for the Government to take the necessary measures to amend its labor code. In its 2002 Annual Survey of Violations of Trade Union Rights, the ICFTU reported that 60 percent of the enterprises in the country employed fewer than 30 workers, with approximately 1 million workers excluded from organizing a union. Although the Congress debated additional labor reforms, labor law remained in flux because the Constitutional Court ruled in 2001 that some recent labor legislation was unconstitutional (*see* Section 6.e.). The court's ruling nullified several articles that the Government stated provided flexibility to employers but that some observers claimed undercut constitutional protections of worker rights.

Some companies have taken advantage of the law that prohibits unions from organizing at companies that have less than 30 employees by sub-contracting with several shell companies, each of which has less than 30 workers. Under the Labor Code, these subcontracted workers have no legal right to freedom of association or right to bargain collectively with the companies that ultimately benefit from their labor, nor do they have legal protection against anti-union discrimination.

Labor laws intended to protect workers' rights to freedom of association and to form and join trade unions are inadequate and failed to deter employers from retaliating against workers for organizing. Neither the Constitution nor the Labor Code requires reinstatement of workers fired for union activity. The Government's failure to enforce its labor laws and its lack of sufficient legal protection for workers' rights allowed employers to violate workers' rights with impunity.

While employees of state-owned organizations enjoy rights similar to those in the private sector, the law technically prevents the majority of public sector employees from joining unions or exercising collective bargaining rights. However, most public employees maintained membership in some labor organization.

Under the law, unions may form freely (if the company has the requisite 30 employees) and join federations or confederations, and three of the large labor centrals maintained international affiliations.

The Labor Code provides for resolution of labor conflicts through an arbitration and conciliation board that consists of one representative of the Ministry of Labor, two from the union, and two from management.

b. The Right to Organize and Bargain Collectively.—The labor market is highly segmented, with a minority of workers in skilled, usually unionized, positions in state-run enterprises or in medium-to-large industries. Approximately 12 percent of the work force was organized. Most of the economically active population was employed in the agricultural sector or the urban informal sector; the vast majority of these workers were not organized.

Although the labor confederations were politically independent, the two largest single labor unions, the National Union of Educators (UNE) and the Union of Social Security Workers, were allied with the Democratic Political Movement, a communist party. There are five large labor confederations or centrals; no central was connected firmly to any one political party, and there were no ties between the Government and any labor union.

The Labor Code requires that all private employers with 30 or more workers belonging to a union must negotiate collectively when the union so requests. Collective bargaining agreements covered only one-quarter of the approximately 12 percent of the work force that is organized. A 2000 labor law allowed businesses to hire workers on "individual contracts," but the practice has not become prevalent because Congress began a review of the law and has not clarified its status.

The Labor Code streamlined the bargaining process in state enterprises by requiring workers to be represented by only one labor union. It prohibits discrimination against unions and requires that employers provide space for union activities upon the union's request. If the Ministry of Labor rules that a dismissal of an employee is unjustified, it can require the employer to pay indemnities or separation payments to the worker of 125 percent of a month's salary for each year worked, although the reforms set a cap on such payments. These payments were relatively low for workers earning the minimum wage (i.e., payments of $400 or less), and the law does not require reinstatement of workers fired for anti-union activity. Workers generally were protected against antiunion discrimination only by pressure from the union. The ILO Committee of Experts found that the imposition of a fine "provided for by law in all cases of unjustified dismissal, when the real motive is . . . trade union membership or activity" is an inadequate protection against anti-union discrimination.

Employees also worked on temporary contracts, especially in the agricultural sector. While the Labor Code establishes a cap of 180 consecutive days for each contract, it does not prohibit the use of consecutive 180-day contracts. Some "temporary" workers may work for the same company (often for different sub-contractors of the same company) for an extended period of time under a series of short-term contracts. In practice it was difficult to organize temporary employees on short-term contracts. Since the Labor Code does not recognize temporary workers, they do not enjoy the same level of protection offered to other workers.

There are few restrictions on the right of workers to strike, although a 10-day cooling-off period is required before a strike can be declared. The Labor Code limits solidarity strikes or boycotts to 3 days, provided that the Labor Ministry approves them. In some industries, during a legal strike, workers may take possession of the factory or workplace (thus ending production at the site) and receive police protection during the takeover. However, in other industries, such as agriculture, the law requires a 20-day waiting period from the day the strike is called. During this time, workers and employers must agree on how many workers are needed to ensure a minimum service, and at least 20 percent of the workforce must continue to work in order to provide essential services. The Labor Code provides that "the employer may contract substitute personnel" only when striking workers refuse to send the number of workers to provide the minimum necessary services. The law does not explicitly prohibit the hiring of strikebreakers by subcontractors or other third parties that are not legally the striking workers' employer; however, the Labor Code prohibits an employer from contracting substitute workers during a strike, although in practice this law was not enforced. The employer must pay all salaries and benefits during a legal strike; the Labor Code protects strikers and their leaders from retaliation. The law does not provide public workers with the right to strike and includes a provision that striking public sector workers are liable to between 2 and 5 years in prison; however, there were frequent "illegal" strikes. The Government occasionally took action against striking public workers and, during the year, ordered striking public health workers back to work.

There were several significant strikes during the year. On May 6, workers at the Los Alamos banana plantation, owned by presidential candidate Alvaro Noboa, went on strike to protest poor working conditions. On May 16, between 200 and 400 men attacked the striking workers. Several workers were injured and one worker had his leg amputated as the result of a gunshot wound. The police arrested 16 of the attackers, but they were released on habeas corpus. However, the prosecutor's inves-

tigation did not address the primary claims made by the workers that they were threatened at gunpoint and that several were wounded by the attackers. In October the prosecutor charged the 16 individuals (who claimed to be plantation guards) with misuse of firearms and wounding of a police officer. Labor arbitration panels ruled against the strikers on the grounds that they had not met legal requirements for a strike, and in October the Superior Arbitration Panels rejected the workers' appeal.

Public health workers, including doctors and nurses, went on strike in February and July to demand higher wages and better working conditions.

The 1990 Maquila Law permits the hiring of temporary workers for the maquila (in-bond processing for export) industries. The maquila system allows a company and its property to become an export-processing zone wherever it is located. There were no unions or labor associations in the maquilas. Most workers were hired on temporary contracts by the employer to complete a specific order. Many such "zones" have been established; most were relatively small and were dedicated to textiles and fish processing.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the Labor Code prohibit forced or bonded labor, including by children, and there were no reports of it in general; however, there were reports of children forced into prostitution (*see* Section 5)

d. Status of Child Labor Practices and Minimum Age for Employment.—In December President Noboa signed a new law on minors that includes a section on child labor. The new law raises the minimum working age for minors from 14 to 15, for all types of labor. It also reduces the maximum hours a minor may work to 6 hours per day, and 5 days a week. The law prohibits minors from working in hazardous conditions, including in mines, with toxic or dangerous substances, or with dangerous machinery. Employers are required to pay minors at least 80 percent of the wages received by adults for the same type of employment. The law also increases the penalties for illegal child labor. The parents or guardians can be fined $50 to $300 and the employers $200 to $1,000 for participating in child labor. In cases of repeated infractions the employer's business can be closed.

The Government formed the National Committee for the Progressive Eradication of Child Labor in 1997—with a membership including government agencies, and business and labor organizations—charged with formulating a national plan for the eradication of child labor. During the year, the Committee worked with the ILO's International Program on the Elimination of Child Labor to conduct several industry specific studies on child labor.

In practice the Ministry of Labor and the Minors' Tribunals fail to enforce child labor laws, and child labor is prevalent. Despite the economic recovery over the past 3 years, the situation has not improved substantially, in part due to the emigration abroad of many parents who have left their children behind. Urban child labor has increased with the migration of the rural poor to the cities. A 2000 UNICEF report estimated that almost half of the children between the ages of 10 and 17 worked. The National Statistics Institute (INEC) reported that in 2001 over 130,000 children 14 years old or younger worked. A separate INEC study in 2001 reported that 455,000 children under the age of 15 worked.

In rural areas, young children often must leave school at an early age to help out on the family's plot of land. More than 60 percent of all children live in rural areas and did unpaid agricultural work for their families. In April Human Rights Watch published a report of the labor conditions on banana plantations. The 45 children interviewed for the report described working long hours on the plantations in dangerous conditions and without the proper safety equipment for the pesticides that are used on the plantations. The Ministry of Labor did not devote adequate resources to investigate exploitative child labor practices.

The Ministry of Labor has designated a "Social Service Directorate" to monitor and control child labor in formal sector businesses such as factories. In some instances the Directorate applied sanctions, but in other cases, it merely helped to provide documents to child workers. In urban areas, many children under 12 years of age worked in family-owned "businesses" in the informal sector, shining shoes, collecting and recycling garbage, or as street peddlers. Other children were employed in commerce, messenger services, domestic service, and begging. Children as young as 5 or 6 years often sold newspapers or candy on the street to support themselves or to augment family income.

e. Acceptable Conditions of Work.—The Ministry of Labor periodically sets the minimum wage in consultation with the Commission on Salaries, but Congress also may adjust it. As of September, the minimum wage plus mandated bonuses provided a gross monthly compensation of approximately $138 or 85 cents per hour in

the case of contract workers. The statutory minimum wage is not adequate to provide a decent standard of living for a worker and family. Most organized workers in state industries and formal sector private enterprises earned substantially more than the minimum wage and also received other significant benefits through collective bargaining agreements. However, the majority of workers worked in the large informal and rural sector without recourse to the minimum wage or to legally mandated benefits.

The Ministry of Labor did not deploy sufficient resources to enforce labor laws. The Labor Code provides for a 40-hour workweek, a 15-day annual vacation, a minimum wage, and other employer-provided benefits, such as uniforms and training opportunities. In 2000, reforms to the labor law gave nominally greater flexibility to employers for hiring part-time workers; however, this legislation was affected by a Constitutional Court decision related to workers' retirement benefits. The impact of the Court's decision remained to be clarified at year's end (*see* Section 6.a.).

The Labor Code also provides general protection for workers' health and safety on the job. However, a worker may not leave the workplace for health reasons, even if there is a hazardous situation. The worker is allowed to request that an inspector from the Ministry of Labor come to the workplace and confirm the hazard; that inspector then may close down the workplace. Response time for inspectors ranged from a few days in major cities to much longer in the countryside.

The Social Security Institute enforces health and safety standards and regulations. In the formal sector, occupational health and safety was not a significant problem. However, there were no specific regulations governing health and safety standards in the agricultural sector and in practice there was no enforcement of safety rules in the small mines that make up the vast majority of the mining sector.

f. Trafficking in Persons.—A misdemeanor law specifically addresses trafficking in persons, and other laws could be used to prosecute traffickers; however, no one has yet been convicted under the trafficking laws, and there were reports that Ecuadorians were trafficked out of the country.

A misdemeanor law specifically prohibits trafficking and provides for penalties from 6 months to 3 years in prison, as well as fines. The Migration Law and the Penal Code provide for the imposition of sanctions on suppliers of false documents for purposes of travel or work. Other laws dealing with kidnaping, labor, occupational safety, and slavery apply to and provide sanctions for trafficking in persons. In 2000 Congress amended the Criminal Code to strengthen sentences for furnishing or utilizing false documents and for alien smuggling. Alien smugglers or traffickers can receive sentences from 3 to 6 years' imprisonment; the penalties range from 6 to 9 years if victims are injured, and a penalty of up to 12 years may be imposed if a death occurs. The law specifically exempts smuggling victims from prosecution. At year's end, no case had yet reached a verdict under the trafficking laws.

There were reports of prostitution by girls and boys under 18 years of age in urban areas, and there were reports of cases in which children were forced into prostitution (*see* Section 5).

No specific cases of trafficking were publicized during the year; however, human rights organizations suspected that trafficking occurred. In past years, Ecuadorian trafficking victims had been identified in Spain, Guatemala, Uruguay, Venezuela, and the United Kingdom. Although there were credible allegations that some government officials were involved in alien smuggling, there was no evidence that such officials facilitated or condoned trafficking in persons.

Since the beginning of its economic crisis in 1999, the country has had a high rate of emigration: Up to 800,000 persons (or 7 percent of the population) were estimated to have emigrated since 1998, primarily to the United States and Spain, most of them illegally. Illegal emigrants paid between $8,000 and $12,000 per person to criminal organizations to be taken to the United States, usually through Central America. Due to the extreme poverty of most of the emigrants, and the high cost of such trips, some emigrants were vulnerable to traffickers.

EL SALVADOR

El Salvador is a constitutional, multiparty democracy with an executive branch headed by a president and a unicameral legislature. In 1999 voters elected President Francisco Flores of the Nationalist Republican Alliance (ARENA) to a 5-year term. In generally free and fair elections in March 2000, the former guerrilla organization Farabundo Marti National Liberation Front (FMLN) won a plurality of the seats in the Legislative Assembly. ARENA maintains a working majority in coali-

tion with the conservative National Conciliation Party. Four other parties and three independents hold seats in the Assembly. The judiciary is constitutionally independent; however, it suffers from inefficiency and corruption. The Supreme Court and the Attorney General's office took initial steps during the year to address inefficiency and corruption in the judiciary.

The National Civilian Police (PNC) maintains internal security. The military is responsible for external security. The military provides support for some PNC patrols in rural areas, a measure begun in 1995 by presidential executive order in an effort to contain violence by well-armed, organized criminal bands, and also provides support to the law enforcement agencies for specific activities, including antinarcotics efforts and reform school training for juvenile convicts. Civilian authorities generally maintain effective control of the military and security forces. Members of the police committed human rights abuses.

The free-market, mixed economy largely is based on services, agriculture, and manufacturing. The country's population is over 6.5 million. Although agriculture accounts for only 9 percent of the gross domestic product (GDP), it is the largest source of employment, engaging 20 percent of the work force, estimated at over 2.6 million persons. Coffee and sugar are the principal export crops and used to be the main sources of foreign exchange. The sustained decline in coffee prices has depressed activity in this sector, and the largest sources of foreign exchange are now family remittances and maquila exports. According to the Salvadoran Coffee Council, the decline in coffee prices reduced employment in the end of year harvest by approximately 40,000 jobs as of the end of December. The manufacturing sector, which contributes 23 percent of GDP, employs 16.5 percent of the work force. The textile sector, especially the maquila (in-bond assembly or processing) plants in free trade zones, represents about 50 percent of manufacturing sector employment and is the main source of new jobs. The economy is open, and private property is respected. The rate of real economic growth was estimated to reach 2 percent during the year. Inflation was expected to reach 2.5 percent. The official unemployment rate averaged 6.5 percent in the first 10 months of the year; however, the rate of underemployment (less than full-time work or total income below the minimum wage) during the year was estimated at about 29 percent as of late November. In January and February of 2001, two earthquakes killed over 1,100 persons, made over 1.2 million homeless, and caused over $1.9 billion in damage. According to the Ministry of Economy's statistics and census office, during the first 10 months of the year approximately 37 percent of the population lived below the poverty level, compared to 38.8 percent in 2001.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were no politically motivated killings or disappearances; however, some police officers committed killings. Some police officers used excessive force and mistreated detainees. Prison conditions remained poor, and overcrowding was a continuing problem. At times police arbitrarily arrested and detained persons. The PNC dismissed 372 employees and sanctioned 520 others. Lengthy pretrial detention remained a problem. The judiciary remained inefficient and hampered by widespread corruption. The Supreme Court and the Attorney General's office took initial steps during the year to address inefficiency and corruption in the judiciary. The Court dismissed 38 judges based upon formal notification by the Ministry of Education that they had not fulfilled the requirements for their degrees. The Attorney General asked the Court to lift the immunity of four judges whom he intended to prosecute. Impunity for the rich and powerful remained a problem. Violence and discrimination against women remained a serious problem. Discrimination against disabled persons also remained a problem. Abuse of children, child labor, and forced child prostitution were also problems. The Government did not protect adequately workers' rights to organize and bargain collectively. Trafficking in women and children was a problem. El Salvador was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by agents of the Government; however, members of the police committed some killings. The Office of the Inspector General of the PNC received allegations of police involvement in 10 homicide cases in the first 9 months of the year. At year's end, authorities were adjudicating whether police officers had acted criminally or in the line of duty.

In September a prosecutor charged PNC officers Douglas Ernesto Ventura Ramirez, Nehemias Castro Martinez and four civilians with the March shooting death of Darwin Alexis Lopez Hernandez in Canton Entre Rios, Colon. The prosecutor alleged that PNC officer Ventura paid to have the victim killed, because the victim had filed a complaint after Ventura had confiscated his bicycle 2 months before his death. In the initial hearing, the court provisionally dismissed charges against the police officers and a third defendant but ordered the trial to continue against the three other defendants. The PNC Inspector General's office conducted a review and provisionally closed the case based on the court ruling and evidence that the PNC officers had been in different locations at the time of the murder.

In May Victor Hugo Pena Hidalgo died 15 minutes after entering a cell in the detention center of a court in San Salvador, the Isidro Menendez Judicial Center. According to the prosecutor, Pena's physical examination upon arrival at the center showed he was in good health. His autopsy showed trauma to the abdomen with broken ribs and hemorrhaging. The prosecutor reported that neither jail officials nor his cellmates, who were members of a gang to which Pena had once belonged, heard any disturbances; therefore, the prosecutor theorized that Pena must have been beaten before his capture. The PNC Inspector General's office conducted an investigation. According to its report, the victim's mother said someone who was not a police officer had beaten Pena prior to his capture, causing him serious abdominal pain. Similarly, Pena's son said the police had not mistreated him. Based on this information, the Inspector General's office provisionally closed the investigation.

In July an unidentified assailant shot and killed Nelson Alfonso Argueta Amaya, president of the national federation of demobilized former civil war militia members. The prosecutor initially identified several possible motives for the crime, including a personal dispute over the victim's leadership of the organization. However, the PNC later ruled out a political motive. The investigation continued at year's end.

The PDDH received 30 complaints of attempted and/or completed unlawful killings by police during the year. The PDDH was investigating the cases at year's end.

In January a judge dismissed homicide charges against three police officers (Jose Antonio Moran, William Alexander Castillo Gonzalez, and Maria Rosibel Garcia) and one former police officer (Juan Carlos Ramos Benitez) for the March 2001 killing of Fernando Naves Mendoza in El Rosario, La Paz. The PNC fired Moran, Castillo, and Garcia in January following an internal disciplinary hearing regarding their involvement in the crime. A disciplinary tribunal had dismissed Ramos from the PNC in June 2001 for another offense.

In March a civilian jury found Air Force flight school cadet Carlos Mauricio Melara guilty of negligent homicide and acquitted Cesar Humberto Dorat for the May 2001 beating and killing of Erick Mauricio Pena Carmona. The judge sentenced Melara to 10 years and 8 months in prison. In his ruling, the judge attributed partial responsibility to the armed forces, saying the institution had not done what was necessary to prevent this type of incident. Both the prosecution and the defense appealed the verdict, and the appeals were pending at year's end.

A total of 19 inmates died in prison due to violence and illness during the year. During the year, the Attorney General's office prosecuted two prisoners for carrying out the 2001 murder of Eduardo Henriquez (aka Gigio); it charged one other prisoner with complicity and 15 with covering up a crime. The trial was underway at year's end.

In 2000 a public prosecutor charged police captain Mariano Rodriguez Zepeda with aggravated homicide for the 1998 shooting of Jose Antonio Navidad Villalta. Following a preliminary hearing in November 2000, the trial was postponed on several occasions because either witnesses or the defendant failed to appear. At year's end, the trial had been rescheduled for March 2003.

On October 2, the Supreme Court agreed to consider a November 2001 complaint that the Attorney General, the Criminal Chamber of the Supreme Court, a criminal appeals court, and a justice of the peace had violated the constitutional rights of family members of the six Jesuit priests, their housekeeper, and her daughter murdered in 1989. Specifically, the complainants alleged that their rights to due process, access to justice, and a speedy trial had been violated by the defendants when they responded to the complainants' petition to prosecute the persons who instigated the killings. In the same ruling, the Supreme Court found inadmissible the complaint against the President. In January and March 2001, an appeals court had upheld a lower court's decision that the statute of limitations had expired in the Jesuits' case.

b. Disappearance.—There were no reports of politically motivated disappearances or of police involvement in kidnapings during the year.

Most disappearances were kidnapings for ransom. According to police statistics, 19 persons were kidnaped through mid December, a significant reduction from 49

kidnapings in 2001 and 114 in 2000. The PNC reported that 134 people were convicted of kidnaping during the year and sent to prison.

In November 2001, a court sentenced eight persons, including three former police officers, to 15 years in prison for the January 2001 kidnaping of prominent businesswoman Elizabeth Bahaia in Ahuachapan. In August a court convicted and gave the same sentence to two more individuals for the same crime; one was former police officer Mauricio Enrique Murgas Barrientos, who had been dismissed from the force by a PNC disciplinary tribunal in 2000. At year's end, Murgas Barrientos and four other individuals were standing trial for a second kidnaping of Bahaia in September 2001. Murgas Barrientos and another individual also faced charges of homicide for the murder of Bahaia's bodyguard, Jesus Antonio Garcia Sintigo. At the time of his arrest in 2001, Murgas Barrientos alleged that other police officers had been involved in the crime, but he did not give their names. In October 2001, the PNC moved its entire contingent based in Ahuachapan (approximately 100 persons) to San Salvador and replaced them with soldiers and police from San Salvador.

In March a court convicted nine persons, including two police officers (Jorge Alberto Rodriguez and Rigoberto Antonio Reyes) and a former police officer (Juan Antonio Lainez Quijano), for the 2000 kidnaping of businessman Rodrigo Zablah. They received sentences ranging from 10 to 26 years and 8 months in prison. The court acquitted a tenth defendant. In 2001 charges had been dropped against another police officer (Carlos Alfredo Lopez Rosales), a cooperating witness, and another individual. The PNC fired Lopez Rosales, Rodriguez, and Reyes in 2000 following a disciplinary hearing.

By year's end, the Supreme Court had not issued a ruling regarding the acquittal of PNC sergeant Tomasa Reyes Alvarado, former PNC sergeant Jose Azcunaga Segura, and a civilian charged in the 2000 kidnaping of a couple in Sonsonate. In August 2002, a PNC disciplinary tribunal cleared Reyes Alvarado.

In May a court exonerated former guerilla commander Raul Granillo, also known as Commander Marcelo, of charges in the kidnapings of Nelson Oswaldo Machuca Perez, Guillermo Alfredo Sol Bang, Kerim Eduardo Salume Babum, Alberto Antonio Hill Dutriz, and Andres Abraham Suster Castillejos between 1991 and 1995. The court convicted Diego Flores, a lower ranking former guerilla, of kidnaping, extortion, and possession of military weapons (charges stemming from all five cases) and sentenced him to 102 years in prison. It found Angela del Carmen Carrillo Palacios and Angela Carrillo Flores guilty of complicity. In November, an appeals court revoked the ruling of the lower court. The appeals court convicted Granillo in absentia of kidnaping and extortion and sentenced him to 63 years in prison. It convicted Carrillo Palacios and Carrillo Flores of kidnaping and extortion and sentenced them to 42 years in prison. The appeals court confirmed the lower court's exoneration of Oscar Armando Bernal Martinez and Mauricio Ernesto Martinez Bernal.

The Association for the Search for Children who Disappeared as a Result of the Armed Conflict (Pro-Busqueda) acknowledged that neither the Government nor the Legislative Assembly would create a national commission to clarify what happened to children who disappeared during the war and whose whereabouts remain unknown. In December 2000, they accepted the Government's commitment to work with them to resolve these questions by forming a working group consisting of the Public Defender's Office, the Ministry of Foreign Affairs, the Salvadoran Institute for the Protection of Children, the National Secretariat of the Family, and the PDDH. In October 2001 the working group dissolved after Pro-Busqueda claimed that it was unable to receive cooperation from any of the organizations apart from the Public Defender's office, which was unable to procure any cooperation from the armed forces. Pro-Busqueda planned to push the Legislative Assembly again for the creation of a national commission.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices. During the year, the PDDH and the PNC Inspector General's office each received one complaint alleging torture by a police officer. Some members of the PNC continued to use excessive force or otherwise mistreated detainees.

On October 16, the police detained Deputy Inspector Abel Hernandez Cortez based on an order from the Attorney General's regional office in La Libertad charging him with committing torture and serious injury to Jose Antonio Dominguez. At year's end, the Inspector General's office had begun disciplinary proceedings against him.

In response to a report from the PDDH, the PNC Inspector General's office initiated an investigation into allegations that on November 28, riot police beat and then detained seven members of the Salvadoran Association of Municipal Workers who were blocking a lane of traffic in support of a health care strike. The riot police told

the PDDH that they used the force necessary to control the incident. The investigation was ongoing at year's end.

In March police officers shot at a group who were drinking alcohol in a home in Concepcion de Oriente and wounded Domingo Yanez Villatoro, injuring him seriously. In their report, the police claimed the civilians had threatened them with firearms. The PNC Inspector General's office initiated an investigation and remanded four police officers to a disciplinary tribunal. A prosecutor charged four officers with negligent injury. The defendants failed to appear for their trial in December, and the court ordered the trial to continue in their absence.

During the year, the PDDH received a total of 1,095 complaints against the PNC for all categories of human rights violations, compared with 1,142 in 2001. Of the 3,303 total complaints received, 766 were for violation of the right of personal integrity committed by government authorities during the year and in prior years, compared with 736 in 2001. This category covers torture, inhuman or degrading treatment, mistreatment, disproportionate use of force, and inhuman treatment of detainees. The vast majority of these complaints involved the PNC and were categorized as mistreatment.

At year's end, 140 police officers were in prison. Of those, 90 were serving their sentences, and 50 awaited the conclusion of their trials.

During the year, the PNC dismissed 372 employees through ordinary disciplinary procedures and sanctioned 520 others for lesser infractions. PNC disciplinary authorities exonerated 503 PNC employees investigated for a variety of offenses.

The Internal Affairs Unit of the PNC, which reports to the Inspector General, investigates administrative complaints against police; transfers information on criminal activity by police to the Attorney General's office; and monitors criminal investigations of police. The Unit reports findings of administrative violations to the Inspector General and the PNC Director for disciplinary action. Individuals may appeal through disciplinary hearings in special police courts that are an internal, administrative mechanism of the PNC. These courts can punish guilty parties with disciplinary measures or remove them from the police force.

During the year, a special appeals board continued to review appeals by former PNC employees who were dismissed under expedited procedures authorized by the Legislative Assembly in 2000 (Decree 101). The police chief dismissed 1,000 officers during the 5 1/2 months that the special disciplinary authority was in force. A total of 295 officers appealed, and the special appeals board exonerated 42, who were reinstated. In addition, some of the fired officers filed legal complaints with the Supreme Court alleging that their dismissal under Decree 101 had violated their constitutional rights, a charge supported by the Human Rights Ombudsman's office (PDDH) and some NGOs. Independent observers of the expedited procedures alleged that some supervisors used the opportunity to remove innocent persons, such as pregnant women and personnel with whom the supervisors had personal differences.

In August 2001, a prominent women's rights organization asserted that sexual harassment was widespread within the PNC and that female officers were subject to violence within the police (*see* Section 5).

Human rights awareness is a standard component of the police officers' basic training program.

Prison conditions remained poor. The prison system has the capacity to hold 7,137 prisoners in 20 penal facilities. Overcrowding in individual facilities continued as the prison population increased for the third consecutive year. At year's end, 10,345 men were held in 17 prison facilities with a combined capacity of 6,812, and there were 31 men and 6 women in 3 secure hospital wards with a combined capacity of 75 persons. Because of a lack of holding cells, pretrial detainees often are sent to regular prisons, where they may be placed together with violent criminals.

Gangs continued to exercise influence within the prison system. In December, a police official told the media that prisoners continued to run criminal activities from their cells. In December, prisoners rioted and killed two police officers during a routine search for contraband in a major metropolitan prison. One prisoner died after being shot, allegedly by a warden, during the riot. Prison authorities reported that there were 19 deaths in the prison system during the year: one prisoner was shot, allegedly by a warden, during a riot; one died of burns; four died from wounds caused by violence between prisoners; seven died from illness, including four HIV/AIDS related cases; one died of injuries to his spine and internal organs. In five cases, the prisons transferred the cadavers to the office of forensic medicine to determine the cause of death.

There are separate facilities for female detainees and prisoners. At the end of the year, there were 562 women in 3 women's prisons, which have a capacity of 262, and 87 women in prisons where most inmates are males. Conditions in the women's facilities are adequate but overcrowded.

The law requires that all juveniles be housed separately from adults both prior to trial and while serving a prison sentence, and the Government generally observes this requirement in practice. However, from June 2001 through April 2002 the PDDH found 9 juveniles in pretrial detention facilities that also housed adults. Also, 21 minors were housed in an adult prison under the supervision of the Salvadoran Institute for the Full Development of Children and Adolescents (ISNA). Gang violence in juvenile holding facilities is a problem. In April 2001, the authorities separated the different gangs in the country's juvenile correction centers into different facilities to mitigate violence between rival groups. ISNA (formerly the Salvadoran Institute for the Protection of Children - ISPM) reported a sharp reduction of gang-related violence in youth correction centers and an increased ability to implement education and reintegration programs following this change. Members of the Armed Forces provided reform school training for juvenile convicts. Most criminal cases involving juveniles are brought to trial or conciliation proceedings within 3 months.

The Government permits prison visits by independent human rights observers, NGOs, and the media.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest; however, there were complaints that at times the PNC arbitrarily arrested and detained persons.

On April 15, the PNC arrested Esteban Ortiz Vasquez using an arrest warrant for Esteban Benito Ortiz. The detainee showed his identification documents to the police; however, they discounted the documents as false. The police brought him before a judge, who determined there was sufficient evidence to warrant detention during the investigation. Ortiz Vasquez spent 30 days in jail before a public defender convinced the judge of his identity and obtained his release. The judge found that the police had used flawed procedures and asked the PNC to conduct a disciplinary investigation.

During the year, the PDDH received 205 complaints alleging violations of personal liberty, compared with 178 complaints in 2001. The courts generally enforced a ruling that interrogation without the presence of counsel is coerced, and that any evidence obtained in such a manner is inadmissible. As a result, police authorities generally delayed questioning until a public defender arrived.

The law permits the police to hold a person for 72 hours before delivering the suspect to court, after which the judge may order detention for an additional 72 hours to determine if an investigation is warranted. Because of a lack of holding cells, such detainees often are sent to regular prisons, where they may be placed together with violent criminals (*see* Section 1.c.). The law allows 6 months to investigate serious crimes before a judge is required to bring the accused to trial or dismiss the case. In exceptionally complicated cases, the judge or either party may ask the appeals court to extend the deadline for 3 months. However, many cases were not completed within the legally prescribed time frame. The Supreme Court reported that 5,568 inmates (more than half the prison population) were in pretrial detention at the end of the year (*see* Section 1.c.). According to the Supreme Court, the judicial system received an average of 111 criminal cases per day during the year, compared to an average of 134 per day in 2001.

The Penitentiary Code permits release on bail for detainees who are unlikely to flee or whose release would not impede the investigation of the case. Because it may take several years for a case to come to trial, some prisoners have been incarcerated longer than the maximum legal sentence for their crimes. In such circumstances, a detainee may request a review by the Supreme Court of his or her continued detention.

The Constitution prohibits forced exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. However, the judiciary suffers from inefficiency and corruption. During the year, the Supreme Court took initial steps to address these problems.

The court structure has four levels: justices of the peace, trial courts, appellate courts, and the Supreme Court. The Supreme Court oversees the budget and administration of the entire court system. The Supreme Court selects justices of the peace, trial judges, and appellate judges from a list of nominees proposed by the National Judicial Council (CNJ). The CNJ is an independent body provided for in the Constitution to nominate, train, and evaluate justices. The Legislative Assembly elects, by a two-thirds majority, Supreme Court magistrates from lists provided by the CNJ and the National Association of Lawyers. Magistrates serve for periods of 9 years and may be reelected. There are separate court systems for family matters and juvenile offenders; they stress conciliation as an alternative to adjudication. The system

also has criminal sentencing courts and penitentiary oversight courts. The former consider the evidence and testimony that have been gathered throughout the trial proceedings, judge innocence or guilt, and determine sentences. The latter monitor the implementation of sentences. (For cases that entered the judicial system before the penal code reforms of 1998, the trial court remains responsible for establishing sentences.) Through its Department of Judicial Investigation, the Supreme Court regularly receives and investigates public complaints about judicial performance. This department also reviews the findings and recommendations of the CNJ, which evaluates justices on an ongoing basis. The Supreme Court imposes penalties when warranted.

Judges, not juries, decide most cases. Juries are used in a particular phase of the prosecution. Most cases start with a preliminary hearing by a justice of the peace court, then proceed to the trial court, which determines if there is enough evidence to continue the prosecution and decides whether a jury or a sentencing court should hear the case. Justice of the peace courts provide an opportunity for conciliation as an alternative to trial proceedings for some types of cases. Almost all cases such as homicide, kidnaping, fraud, environment, drugs, or issues involving private property go to sentencing courts. Juries hear only those cases that the law does not assign to sentencing courts. After the jury's determination of innocence or guilt, a judge decides the sentence. A jury verdict cannot be appealed. However, the defendant may appeal the sentence to the Supreme Court for reduction. A jury verdict may be overturned by a mistrial determination that there were serious problems with jury panel selection or errors in the trial procedure. A judge's verdict may be appealed.

The Juvenile Legal Code requires that minors from 12 to 17 years of age be tried only in juvenile courts, limits sentences for minors to a maximum of 7 years, and includes alternatives to incarceration for minors.

The Constitution provides for the presumption of innocence, protection from self-incrimination, legal counsel, freedom from coercion, and compensation for damages due to judicial error. Defendants also have the right to be present in court. These rights were not always respected fully in practice. The Constitution and law require the Government to provide legal counsel for the indigent; however, this requirement was not always implemented in practice.

Impunity from the country's civil and criminal laws continued, especially for persons who were politically, economically, or institutionally well connected. According to the U.N. Secretary General's December 20 addendum to his report on Central America, "the justice system is often slow and many judges are still susceptible to political influence . . . many crimes go unpunished and effective access to due process is seriously limited, in fact, if not legally, for a large number of Salvadorans." Corruption in the judicial system contributed to impunity; however, the Supreme Court took some steps to address these problems. There were few, if any, reports of corruption in the Attorney General's office during the year. The improvement resulted apparently from the removal of unqualified staff in 2000 and 2001 through expedited disciplinary procedures.

In October the Attorney General asked the Supreme Court to lift the immunity of four judges whom he intended to prosecute. The Attorney General charged that judge Raul Edgardo Garcia Zuniga had used for his own benefit a vehicle that had been seized and was being held as evidence in his court. The Attorney General alleged that judge Alicia Gonzalez de Ortiz of Lourdes Colon allowed a defendant in a rape case to go free after he admitted guilt and paid a fine; the law does not allow the use of this "abbreviated procedure" in rape cases. He accused judge Jorge Anibal Arias Martinez of San Ignacio, Chalatenango of accepting payments to mediate cases rather than continue with a criminal trial. In December, the Supreme Court notified the Attorney General that it had dismissed Garcia and, therefore, he no longer enjoyed immunity. At year's end, the High Court had not ruled on the requests to lift the immunity of Judges Martinez and Ortiz.

The Attorney General accused Judge Ricardo Canales Herrera of misappropriation, through negligence, of approximately $20,000 (185,000 colones). Canales had reported the loss of the money from his court's evidence storage room to the Attorney General and the Supreme Court and had requested the Court's help in strengthening security. The Court asserted that the judge had adequate infrastructure for storing the money securely. Canales renounced his immunity in October to expedite the investigation, and the Supreme Court dismissed him in November. Canales filed a complaint against the Supreme Court asserting that, in dismissing him, it had violated guarantees of due process and of equal protection under the laws. Presenting newspaper reports as evidence, he noted that there had been a multitude of losses from storerooms of other courts—including the Supreme Court itself—during the year, but no other judge had been investigated or disciplined. He maintained

that the Court was using this incident as an excuse to remove a judge who had criticized problems in the judicial system. A number of NGOs and other judges publicly defended Canales' record and supported his hypothesis.

In February a justice of the peace released from custody Narciso Ramirez, who was accused of running one of the largest alien smuggling operations in the region. Journalists reported that the judge and the defendant dined together in a local restaurant that night. Both individuals denied that they had been together. In searching Ramirez's property, prosecutors found a letter from the judge testifying to the good moral character of the defendant; however, the letter disappeared subsequently. The Supreme Court investigated the allegations and exonerated the judge, finding that he had applied the law correctly in releasing Ramirez on bail. The Court also found there was no evidence showing a personal relationship with the defendant. A judge hearing a case against Ramirez on separate charges in San Miguel ordered him detained without bail. He remained in prison at the end of the year.

In August the Legislative Assembly urged the Attorney General's office and police to continue the investigation of the 1999 rape and murder of 9-year-old Katya Miranda. Human rights groups charged that the investigation was flawed criminally, and that the prosecution was inadequate to ensure due process.

In November an appeals court definitively dismissed charges of fraudulent administration and use of false documents lodged against the former director of the Salvadoran Soccer Federation, Juan Sigfrido Torres Polanco, and it upheld the provisional dismissal of charges against him for embezzling public funds from that institution. A trial court previously had dismissed all charges against members of the Federation's board of directors, who were also defendants in the case stemming from the disappearance of $3.5 million (30,520,000 colones) from the organization's coffers.

During the year, the Attorney General's office reported that, as a result of the expedited dismissal process for unqualified staff authorized by a 2000 law, it had dismissed 44 prosecutors, of whom an appeals board exonerated and reinstated 24. In addition to these dismissals, in December 2000 the Attorney General chose not to renew the contracts of 18 prosecutors and 24 administrative personnel suspected of involvement in anomalies within the institution. By the end of the year, the Attorney General had implemented more than half of the recommendations a review board had made in conducting an institutional review of his office in 2001, such as using new personnel selection and contracting procedures.

In September and October, the Supreme Court dismissed 38 judges based upon formal notification by the Ministry of Education that they had not fulfilled the requirements for their degrees. The action responded in part to a 2001 report from the Attorney General's office on its investigation of possible "irregularities" in the law degrees of 916 lawyers, including prosecutors, judges, and politicians. That report exonerated 12 of those investigated, charged 91 with criminal wrongdoing (forging signatures, falsifying records, etc.) and cited administrative irregularities in the remainder of the cases, mostly due to problems with course equivalencies after transferring from one university to another. During the year, the Attorney General's office brought charges against 13 persons for criminal wrongdoing in obtaining their law degrees. Two justices of the peace were convicted; one was given a 3-year suspended sentence. In six cases, the court dismissed the charges. At year's end, trial dates had been scheduled for five others.

The 38 judges dismissed by the Court fell into the category of administrative irregularities. All but one appealed the dismissals, insisting that they had fulfilled all of the requirements in place at the time and that it was wrong for the Ministry of Education to impose new standards retroactively. The Court upheld the dismissals in all of the cases. At year's end, it continued investigating 125 lawyers and 51 additional judges for irregularities in their titles. The dismissed judges appealed to the Inter-American Human Rights Commission.

NGOs and observers knowledgeable of the judicial system claimed that the Court was doing the minimum necessary to respond to public criticism, but it was not making a comprehensive effort to remove unqualified and corrupt judges. The Supreme Court emphasized that its Department of Judicial Investigation and the CNJ performed that function by scrutinizing judicial performance on an ongoing basis. Regarding the questionable degrees, the Court maintained it could only act on information provided by the Ministry of Education, which was the institution authorized to determine the validity of academic credentials.

In practice, the Court imposed few sanctions upon judges based upon the recommendations from the CNJ and the Department of Judicial Investigation. Of the 227 complaints filed with the latter during the year, the court found 29 inadmissible, suspended proceedings in 1 case, reprimanded 4 judges, and dismissed 40

judges—Ricardo Canales, Raul Garcia, and the 38 determined to have invalid legal titles.

Police, prosecutors, public defenders, and the courts continued to have problems adjusting to the 1998 legal reforms. Inadequate police coverage (due to limited resources) and intimidation of victims and witnesses (especially by gangs) made it difficult to identify, arrest, and prosecute criminals, thus diminishing public confidence in the justice system. In July witnesses in the trial of accused alien smugglers Edgar Campos and Blanca Rivas reported that defense lawyers had harassed them in an effort to deter their testimony. Prosecutors informed the judge hearing the case, and the information served as an important justification for keeping the defendants incarcerated during the trial. At year's end, the prosecutors planned to present criminal charges against the defense attorneys.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for a right to privacy, and government authorities generally respected this right in practice. The law requires the police to have a resident's consent, a warrant, or a reasonable belief that a crime is under way or is about to be committed, before entering a private dwelling.

Since 2001 the police can use undercover agents with the permission of the Attorney General and enter legally private property without a warrant when criminal activity is suspected. In addition, samples of blood and other bodily fluids can now be taken without the consent of the accused if a judge mandates it.

Neither the Attorney General nor a special legislative commission has identified who was responsible for illegal wiretapping activities conducted by the telecommunications company, TELECOM, in 2000.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Print and broadcast journalists from all major media outlets regularly and freely criticized the Government and reported opposition views. Opposition figures were interviewed routinely in the press and on television and radio. According to major media associations, the Government did not use direct or indirect means to control the media. However, some television stations continued to complain that advertising agencies responsible for placement of government-funded public service announcements were biased in favor of media companies that generally supported government policy.

Some newspaper editors and radio news directors practiced self-censorship, according to practitioners and observers, by discouraging journalists from reporting on topics or presenting views that the owners or publishers might not view favorably. Journalists alleged that in July the new owners of RCS radio station closed the news department because the reporters' presentation of the news did not adequately reflect the owners' more conservative views. The owners maintained that they took the action for budgetary reasons. In October worker organizations and NGOs expressed concern to the Salvadoran Journalists Association that a major newspaper, La Prensa Grafica, had required them to change language in a paid advertisement about a controversial strike before it would publish the ad. Similarly, another major newspaper, El Diario de Hoy, had told the groups they would have to pay for the Government's anticipated response to their paid advertisement about the same subject. The newspaper explained that, as a result of a lawsuit, it had instituted a requirement that anyone placing an advertisement on a controversial topic had to leave a deposit to pay for a reply by an opponent, should a court order it. If no one claimed the right to reply within 30 days, the newspapers returned the deposit to the individual or group who placed the original ad.

During a demonstration on May 1, protesters assaulted several journalists after an opposition party leader made antagonistic public comments to and about journalists. The victims and other media maintained the opposition party leader had instigated the violence. The Inter-American Press Association (IAPA), the International Radio Broadcasters Association and leaders of the media condemned the verbal and physical attacks as a threat to freedom of the press. The Attorney General's office initiated an investigation.

In August the Legislative Assembly passed a National Defense Law that included an article requiring citizens to provide to government officials information considered necessary for national defense. The Salvadoran Journalists' Association and other critics objected strongly to that provision, asserting that it violated journalists' right to keep sources confidential. When the law went to President Flores for signature, he sent it back to the legislature with a recommendation to address that concern. The legislature removed the controversial article from the law. The modified

law retains a requirement that public officials provide information necessary for national defense.

In September the legislature approved reforms to the Organic Law of the Court of Accounts, the national auditing agency. Leaders of the media industry, the Human Rights Ombudsman, and other critics charged that the provision on public access to the agency's audits infringed on freedom of expression and citizens' right to access public information. The provision required that the institution make the audits public after all appeals had been exhausted. Critics maintained that, because appeals often dragged on for years, the measure would deny the public access to information for far too long. Even before the Assembly passed the reforms, the Court of Accounts refused to allow members of political parties and journalists to see audit reports that, by law, were public information. In November the President sent the law back to the legislature with suggested changes that removed the controversial language. However, NGOs expressed concern that the proposed replacement language reduced the universe of audits required to be made public and had the same effect of delaying public access until all appeals were exhausted. The legislature approved the president's proposed changes.

The IAPA identified problems in several areas, including the absence of a law providing for journalists' right to maintain the confidentiality of sources.

There are 5 daily newspapers with a combined daily circulation of more than 250,000 copies, and 16 television stations. Five independent and one government-owned and operated VHF television stations reach most areas of the country. Eight independent UHF stations serve San Salvador, and several can be received as far as 30 miles from the capital. Two cable television systems cover much of the capital and the major cities of San Miguel, Santa Ana, and Sonsonate. All carry major national stations and a wide range of international programming. Approximately 150 licensed radio stations broadcast on the FM and AM bands.

A provision in the Criminal Code allows judges to close court proceedings if public exposure could prejudice the case. The media and the IAPA have claimed that the provision abridges press freedom.

There were no instances of censorship of books, other publications, films, or plays.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for peaceful assembly for any lawful purpose, and the Government generally respected this right in practice. Public demonstrations were common and generally peaceful.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

In March 2001, the Supreme Court found constitutional all but four articles of a 1996 law governing the registration, regulation, and financial oversight of NGOs and non-Catholic religious groups that a group of affected organizations had challenged in court in 1998. The law remains in effect. However, the decision prohibits any official or judge from denying legal status to an NGO for behavior that violates social norms, morality, or public order as long as there are no violations of the criminal code. Some NGOs asserted that the Ministry of Governance delayed approval of legal status for controversial NGOs with human rights or political agendas. In August the Ministry of Governance refused to grant legal status to the Independent Monitoring Group of El Salvador, an NGO that monitors respect for labor rights in assembly factories (maquilas) (*see* Section 4.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution specifically recognizes the Roman Catholic Church and grants it legal status. In addition, the Constitution provides that other churches may register for such status in accordance with the law.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

In July the Legislative Assembly passed a Special Law on Refugee Status, which implements the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law established a Refugee Status Determination Committee composed of representatives of the Social Unit of the Ministry of Foreign Affairs and the Migration Unit of the Ministry of Governance to adjudicate refugee status.

The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of

the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The President and Vice President are elected every 5 years. The Constitution bars the President from election to consecutive terms. Voting is by secret ballot.

In May the Supreme Court ruled unconstitutional an article of the electoral code that assigned a specific number of legislators to each department of the country, saying it violated the constitutional requirement for representation proportional to the population. One day before the Court announced its decision, the Legislative Assembly modified the law by allocating the number of legislators based on ranges of population (e.g. a department with 300,000 to 400,000 citizens is entitled to 4 legislators). A political party and an NGO protested that the change did not satisfy the constitutional requirement, and they noted that the timing of the vote showed that someone in the Court had leaked the information before the decision was made public.

Ten political parties, representing the full political spectrum, fielded seven candidates in the March 1999 presidential elections. The Government did not restrict opposition participation, and there were no violent incidents during the campaign. Observers found that the vote was without major flaws and proceeded peacefully with fair access to the polls for all. Francisco Flores, the candidate of the ARENA party, won a clear majority in the first round of voting.

In March 2000, the country held legislative elections that observers generally reported to be free and fair. The FMLN won a plurality of legislative seats.

There are no laws or overt practices that prevent women from voting or participating in the political and governmental systems. Women account for 51 percent of the population; however, they represented 49 percent of the registered voters in the March 2000 election. Of the 11 executive branch ministries and 3 constitutionally independent agencies, women headed 2, the Ministry of Foreign Affairs and the Human Rights Ombudsman's office. Women held a substantial number of vice- and sub-ministerial jobs. An estimated 40 percent of the country's judges were female. In March 2000, voters elected 8 women to the 84-seat legislature, a decrease from the previous Assembly's 14 women. One woman sat on the Assembly's 11-member governing board; there were 2 women on the board in the previous legislature.

Minorities, including indigenous people, are not barred from voting or participating in government and politics. In practice, only a few hundred Salvadorans identify as ethnic minorities, and no one who identifies as a minority holds a leadership position in the Government or the Legislative Assembly.

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

The Government generally demonstrated a willingness to discuss human rights issues and problems with international and domestic NGOs. However, it was sometimes reluctant to discuss worker rights issues with NGOs, and it refused to discuss the topic with the PDDH. Numerous domestic and various international NGOs operated freely. Domestic and international NGOs are required to register with the Government under the terms of the 1996 NGO registration law, and some reported difficulties (*see* Section 2.b.).

In August the Ministry of Governance refused to grant legal status to the Independent Monitoring Group of El Salvador (GMIES), an NGO that monitors respect for labor rights in maquilas. The Ministry of Governance based its refusal on the objections of the Labor Ministry, which asserted that government authorization of the GMIES' activities would constitute a tacit delegation of the Labor Ministry's responsibilities, something prohibited by law. The GMIES appealed the decision with both ministries, without success.

The principal human rights investigative and monitoring body is the Office of the Human Rights Ombudsman, who is elected by the Assembly for a 3-year term. The Peace Accords specifically created the PDDH, which was established formally by an amendment to the Constitution that defined its role.

In July 2001, the Legislative Assembly elected attorney Beatrice de Carrillo to serve as Human Rights Ombudsman. The position had been vacant officially for 17 months and in practice for 5 months. The institution's reputation and the quality and quantity of its work had declined since 1998, due to staffing gaps in the top position and the election in 1998 of an Ombudsman accused of corruption. A vehe-

ment, public dispute that began in 2000 between the acting Ombudsman and some employees exacerbated these negative trends. Indicating their lack of confidence in the institution, citizens filed fewer complaints with the PDDH in 1999 and 2000 than in previous years and relied more heavily on human rights NGOs. Public confidence in the PDDH initially appeared to recover following de Carrillo's election—there was an immediate 10-fold increase in complaints submitted. Many of these complaints (such as the right to water, or compensation claims of former combatants) did not fall into traditional human rights categories. During the year, the Ombudsman expressed frustration with the Government's unwillingness to respond to her agency's requests for information, as required by law, and to implement its recommendations. Government officials responded that the institution undermined its credibility by pronouncing on a wide range of issues that exceeded its mandate and by issuing resolutions on politically charged cases that had occurred many years ago. The Ombudsman insisted that all of the work performed by her institution fit within the 14 duties assigned to it by the Constitution. She explained that, because the PDDH had not issued resolutions on the old cases at the time they were submitted, the institution had to issue them now to close out the cases.

In January the PDDH submitted to the Attorney General's office a formal complaint stating that the Ombudsman had received death threats. According to the PDDH, the Attorney General's office took no action on the complaint during the year. The threats diminished during the year but increased again in December following the Ombudsman's controversial efforts to negotiate the release of four police officers held hostage in a prison following a riot.

During the year, the PDDH accepted 3,303 complaints of human rights violations, compared with 2,898 in 2001 (*see* Sections 1.a. and 1.c.). The rights most frequently alleged to have been violated included personal integrity and due process of law—766 and 520 complaints, respectively. During the year the PDDH issued 164 resolutions involving 235 complaints filed during the year and in previous years. Some of the resolutions addressed multiple complaints with similar characteristics (e.g. mistreatment by police). It upheld the charges in 107 resolutions; found the accused not to have been responsible in 45 resolutions; and resolved 12 cases using its good offices. In the remaining cases received during the year the PDDH had not determined whether the facts substantiated the allegations.

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

The Constitution states that all persons are equal before the law and prohibits discrimination based on nationality, race, or sex. In practice, discrimination against women, disabled persons, and indigenous people occurred in salaries and hiring. There were some instances of violence against homosexuals.

The NGO Entre Amigos reported that members of the municipal and National Civilian police regularly detained and harassed homosexuals and transvestites when they were out at night, although they were not engaged in criminal activity. The police countered that they monitored transvestites out at night because they had repeatedly been involved in crimes including prostitution, public nudity, and robbery. A homosexual employee of Entre Amigos reported that in August four PNC officers detained him in a vacant lot, told him homosexuals should not exist, beat him, and threatened they would do him more severe harm if he reported the crime. He reported the crime. However, in November, the Attorney General's office told him the case did not fall in its jurisdiction for investigation because it was a petty offense. The law requires the Attorney General's office to prosecute petty offenses as well.

In October the Legislative Assembly removed from the 2001 Law on Prevention and Control of Infection caused by the Human Immunodeficiency Virus a provision requiring job applicants to take HIV tests. During the year, NGOs, UNAIDS, and the Ministry of Health had expressed concern that this provision facilitated discrimination against infected persons and, in so doing, made it difficult for them to obtain employment. Removal of this provision makes pre-employment HIV tests optional, rather than mandatory. According to media reports, through late November the Atlacatl Foundation, an NGO, had registered six cases of people being fired after being diagnosed with HIV. In addition, the Foundation maintained that three institutions of higher education required HIV tests for students who wished to study health-related careers.

Women.—Violence against women, including domestic violence, was a widespread and serious problem. The law prohibits domestic violence and provides for sentences ranging from 6 months to 1 year in prison upon conviction. Convicted offenders are prohibited from using alcohol or drugs and from carrying guns. The law also allows the imposition of restraining orders against offenders. Once a taboo social subject, domestic violence increasingly is being recognized publicly and has become a topic for national debate. Government institutions such as the PDDH, the Attorney Gen-

eral's office, the Supreme Court, the Public Defender's office, and the PNC coordinated efforts with NGOs and other organizations to combat violence against women through education, government efforts to increase enforcement of the law, and NGO support programs for victims. The National Secretariat for the Family, through the Salvadoran Institute for the Development of Women (ISDEMU), maintains a hot line as well as a shelter for victims of domestic abuse. The ISDEMU received 3,725 cases of domestic violence during the year, compared to 3,423 cases in 2001. Incidents of domestic violence and rape continued to be underreported for several reasons: societal and cultural pressures against the victim; a fear of reprisal; poor response to victims by the authorities; fear of publicity; and the belief that cases are unlikely to be resolved. However, the Criminal Code permits the Attorney General to prosecute in the case of a rape with or without a complaint from the victim. The 2001 Criminal Code reforms eliminated a provision allowing a victim's pardon to nullify the criminal charge. The penalties for rape are 6 to 10 years in prison. The law does not address specifically spousal rape; however, it can be considered a crime if the actions meet the Criminal Code's definition of rape. The ISDEMU received 451 cases of sexual aggression compared to 386 in 2001.

The law does not prohibit a person from working as a prostitute. However, it prohibits any person from inducing, facilitating, promoting, or giving incentives to anyone else to work as a prostitute. Prostitution is common, and there were credible reports that some women and girls were forced into prostitution (*see* Section 6.c.).

Trafficking in women and girls for purposes of sexual exploitation was a problem (*see* Section 6.f.).

The law prohibits sexual harassment; however, workers in export processing zones (EPZs) have reported sexual harassment (*see* Section 6.b.).

In August 2001, a prominent women's rights organization, CEMUJER, asserted that sexual harassment was widespread within the PNC. Citing a 2000 survey that it had conducted, the same NGO maintained that almost 60 percent of female sergeants had been victims of violence within the police. During the year, the NGO assisted three female employees of the PNC in bringing sexual harassment charges against superiors; the courts dismissed the charges against the defendants in all three cases. During the year the PNC Inspector General's office received two complaints of sexual harassment by police officers. In one case, it found the police officer and the PNC employee who had brought the charges shared responsibility for the infraction; as a penalty, both were suspended without pay for 12 days. In the other case, a PNC disciplinary court suspended officer Rafael Antonio Nunez without pay for 60 days as punishment for sexual harassment of a minor. There were reports that PNC supervisors used legislation intended to facilitate the removal of officers charged with crimes or incompetence to remove pregnant women from the force (*see* Section 1.c.). Some factories in the EPZs required female job applicants to present pregnancy test results, and they did not hire pregnant women (*see* Section 6.b.).

The Constitution grants women and men the same legal rights, and the Penal Code establishes sentences of 1 to 3 years in jail for public officials who deny a person's civil rights based on gender. The law prohibits pregnant women from performing strenuous activities in the workplace after the fourth month of pregnancy (*see* Section 6.e.). All women are entitled to 3 months of maternity leave—usually taken after the baby is born.

Women suffer from cultural and societal discrimination and have significantly reduced economic opportunities. Priority generally is given to men for available jobs and promotions and to sons for inheritances. Women are not accorded equal respect or stature in traditional male-dominated areas such as agriculture and business. A 2000 UN Development Program (UNDP) study reported a rural illiteracy rate of 38 percent for women and 34 percent for men. One of the factors that contributes to girls' leaving school is teenage pregnancy. In 2001, a former personnel officer of an autonomous government institution asserted that her supervisor had instructed her to give preference to men over women in hiring. The Penal Code establishes a sentence of 6 months to 2 years for employers who discriminate in labor relations. In practice it is difficult for employees to report such violations by their employers because they fear reprisals. In June 2000, the legislature ratified International Labor Organization (ILO) Convention 100, on equal remuneration; however, a UNDP study showed that men on average earned 14 percent more than women—$250 versus $219 (2,189 colones versus 1,913). The one sector in which there was an exception to this practice was in the EPZs and in-bond assembly plants, the largest source of new jobs, where women made up 85 to 90 percent of the work force (*see* Section 6.b.). However, even in this sector, men held the majority of positions in management and in departments where employees receive higher wages (cutting, ironing, etc.). Training for women generally was confined to low-wage occupational

areas where women already held most positions, such as teaching, nursing, home industries, and small businesses.

Several NGOs were engaged in promoting women's rights and conducted several rights awareness campaigns.

Children.—In July the Ministry of Education, the PNC, and ISNA instituted a program to address the problem of student violence in San Salvador. The police picked up students who were out of school unsupervised (often in bars, pool halls, or video game shops) during school hours and delivered them to ISNA. ISNA gave them psychological counseling about violence and supervised them until their parents or guardians took custody. Government officials reported that the measures reduced street violence and fights among students. Through the end of the school year in November, the police brought 195 youths to ISNA under this program.

The Government concentrated more on reducing poverty and promoting family stability through economic growth than in direct expenditure on children's programs. With the encouragement of UNICEF, in September the National Secretariat of the Family submitted to the Legislative Assembly a new national policy of comprehensive attention for children and adolescents.

Education is compulsory through the ninth grade. Public education is nominally free through high school. The law prohibits persons from impeding children's access to school for failure to pay fees or wear uniforms. In practice, some schools continued to charge students fees to cover budget shortfalls, and the inability to pay these fees or pay for required books, uniforms, and activities prevented some poor children from attending school. The Ministry of Education continued to operate a hotline for the public to report school administrators who violated these laws. During the year, the Ministry required at least one school administrator to repay fees charged in violation of these regulations. Rural areas fell short of providing a ninth grade education to all potential students, in part because of a lack of resources and in part because many rural parents withdraw their children from school by the 6th grade to work. According to the Ministry of Education, during the year 14 percent of primary school aged children (ages 7–11) and approximately 32 percent of sixth to eighth grade aged children (ages 12–14) in urban areas did not attend classes. Meanwhile, primary school attendance in rural areas was oversubscribed by almost 14 percent, because older children attended classes below grade level. Only 7 percent of children in rural areas attended school in grades 6 to 8.

Infant malnutrition continued to be a problem. A 2000 census showed that 19 percent of children suffered from chronic malnutrition. The Ministry of Health listed malnutrition as 1 of the 10 principal causes of infant mortality in the country. The Government has a national plan for infants designed to increase access to potable water, iodized salt, and micronutrients, and to encourage breast feeding, but all of these remained problem areas, especially among the rural poor.

The Government worked through state institutions and with UNICEF to promote protection and general awareness of children's rights. However, children continued to be victimized by physical and sexual abuse, abandonment, exploitation, and neglect. The ISNA, an autonomous entity, has responsibility for protecting and promoting children's rights. The ISNA reported that 1,493 children, some abandoned and others victims of mistreatment, were staying in its shelters at the end of the year. It reported 842 cases of physical mistreatment, 454 cases of negligence, and 446 cases of abandonment, compared to 913 cases of physical mistreatment, 366 cases of negligence, and 573 cases of abandonment reported in 2001. Using different criteria, the ISDEMU recorded 1,694 cases of abuse during the year, compared to 1,196 in 2001.

The ISNA reported 173 cases of sexual abuse during the year, compared to 115 in 2001. A majority of the victims were female.

Substance abuse (glue, paint thinner, and crack cocaine) was a problem among urban street children. FUNDASALVA, an NGO, provided drug counseling and treatment to minors. Another NGO, the Olaf Palme Foundation, reported that it registered 40 cases of police abuse and mistreatment of street children through the beginning of December. Of those cases, 23 were reported to the PDDH and 5 to the Attorney General's office. In the other cases, the NGO reported that the children feared reprisals if they reported the abuse. As an example of the mistreatment, the NGO reported that on October 30, a group of police accused three youths between the ages of 13 and 16 of being thieves when they came out of a church in downtown San Salvador. The police handcuffed one youngster, hit another, and put glue in the hair of a third. Later they made one of the youths clean their patrol car.

The PNC incorporated PDDH human rights training into programs for police units that deal with juveniles.

Child prostitution is a problem. Between 10 and 25 percent of visible prostitutes are minors, and an estimated 40 percent of the hidden prostitutes who cater to

upper-class clients are believed to be minors, according to a UNICEF study released in 2000. ISNA assisted 15 children who were involved in prostitution, compared with 24 in 2001.

Children, especially those living on the streets, wee trafficked to other countries and then forced into prostitution (*see* Section 6.f.).

Child labor is a problem (*see* Section 6.d.).

Persons with Disabilities.—The National Secretariat of the Family estimated in 2000 that at least 8 percent of the population had some form of disability. A 2000/2001 study by the World Health Organization in conjunction with local and international partners found that the majority of persons with disabilities were young, lived in rural areas, and had little access to rehabilitation services. It found that many of the causes of disability were preventable.

A significant number of the country's population of persons with disabilities consists of former combatants and civilians wounded during the conflict. Government and international funding provide rehabilitation programs for these persons. During the year, the Government accepted new registrations of persons wounded and disabled as a result of the armed conflict (1980–92). Legislation passed in December 2001 mandated this response to long-standing complaints that thousands of war wounded had been unable to register during the initial registration period. The reregistration opened the way for thousands of additional persons with disabilities to receive government benefits.

Efforts to combat discrimination and increase opportunities for those whose disabilities are unrelated to the war are growing but remain inadequate. During the year, the Ministry of Labor promoted voluntary compliance with a 2000 law that requires businesses to employ 1 person with a disability for every 25 employees, an increase from the pre-existing requirement of 1 to 50. The Ministry's resources are limited, and its records are kept on paper files in its regional branches. There are no reliable data on the number of persons with disabilities who are employed; however, the unemployment rate is significantly higher than that in the general population.

Access by persons with disabilities to basic education was limited due to lack of facilities and appropriate transportation. Only a few of the Government's community-based health promoters have been trained to treat persons with disabilities, and they rarely provided such service.

There were several organizations dedicated to protecting and promoting the rights of persons with disabilities, but funding was insufficient. Foreign funds for badly needed rehabilitation services channeled through the Telethon Foundation Pro-Rehabilitation, a local private voluntary organization, helped address numerous rehabilitation issues and provided alternatives for the education and rehabilitation of persons with disabilities. A semiautonomous institute, the Salvadoran Rehabilitation Institute for the Disabled, has 10 centers throughout the country and offers medical treatment, counseling, special education programs, and professional training courses. The Government and national and international private and nongovernmental organizations provide its funding.

Indigenous Persons.—The country is ethnically homogeneous, and only a few hundred citizens identify as indigenous people.

The Constitution states that native languages are part of the national heritage and should be preserved and respected. In reality, very few persons speak the indigenous language of Nahuatl. There are no national laws regarding indigenous rights.

Early in the 20th century, facing active repression, most indigenous people adopted local customs and successfully assimilated into the general population, from which they now are generally indistinguishable. There are a few very small communities whose members still wear traditional dress and maintain traditional customs to a recognizable degree; they do so without repression or interference. There are no special rights for indigenous people; however, they are allowed to make decisions regarding their communal lands just as any other landowners under Article 105 of the Constitution. These small indigenous groups exist in the poorest parts of the rural countryside where employment opportunities are few and domestic violence is a problem.

Indigenous people reportedly earn less than other agricultural laborers. Indigenous women in particular have little access to educational and work opportunities due to cultural practices, lack of resources, and rural underdevelopment. As with the poor rural sector in general, access to land is a problem confronting indigenous people. Few possessed titles to land, and bank loans and other forms of credit were extremely limited.

There are some small, active indigenous associations. The largest and best known is the National Association of Indigenous Salvadorans.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the rights of workers and employers to form unions or associations, and workers and employers exercised these rights in practice; however, there were some problems. There were repeated complaints by workers, in some cases supported by the ILO Committee on Freedom of Association (CFA), that the Government impeded workers from exercising their right of association. In June 2001, the CFA reiterated its 1999 finding that the existing labor code restricts freedom of association.

There is a small organized labor sector with approximately 133 unions, 16 federations, and three confederations representing 142,500 workers in the private sector. In addition, there are 24 public employee associations and 26 peasant organizations that, together, have an estimated membership of 150,000 persons. Unions generally are independent of the Government, political parties, and other political forces. The Labor Code prohibits foreigners from holding leadership positions in unions.

In August the Ministry of Governance refused to grant legal status to the Independent Monitoring Group of El Salvador, an NGO that monitors respect for labor rights in assembly factories (*see* Section 2.b.).

Union leaders asserted that the Government and judges continued to use excessive formalities as a justification to deny applications for legal standing to unions and federations. Among the requirements to obtain legal standing, unions must have a minimum of 35 members in the workplace, hold a convention, and elect officers.

In July the Ministry of Labor (MOL) granted legal status to the Federation of Unions of Salvadoran Workers of the Food, Beverage, Restaurant, Hotel, and Agroindustrial Sectors. This federation included five food industry unions whose application to form a federation had been denied in 2000 because they allegedly had made procedural errors in their application. The ILO had called on the Government to reverse the 2000 decision.

By law only private sector workers have the right to form unions and strike; some employees of autonomous public agencies may form unions if the agencies do not provide essential services. Military personnel, police, and government workers may not form unions but are allowed to form professional and employee organizations. Some of the most powerful labor groups are public employee associations. They have the same responsibilities as unions, including collective bargaining. The Government negotiated with public employee associations, although the Labor Code provides for mandatory arbitration of public sector disputes. The Government did not amend national legislation to recognize the right of association of workers employed in the service of the State, as recommended by the CFA in 2000.

The law prohibits antiunion actions before a union is registered legally and prohibits the dismissal of workers whose names appear on a union application.

Unions only may strike after the expiration of a collective bargaining agreement. Unions first must seek to resolve differences through direct negotiation, mediation, and arbitration before striking. To be considered legal, the strike must aim to obtain or modify a collective bargaining agreement and to defend the professional interests of workers. Union members must approve a decision to strike through secret ballot. The union must name a strike committee to serve as a negotiator and send the list of names to the MOL, which notifies the employer. The union must wait 4 days from the time the Ministry notifies the employer before beginning the strike.

Public workers may not strike legally; however, the Government generally treated strikes called by public employee associations as legitimate.

On September 5, workers of the Salvadoran Social Security Institute (ISSS) conducted a slow-down at several hospitals and clinics. They then initiated a strike on September 18, which continued through the end of the year, to pressure the Government to stop purchasing health care-related services from private companies. An autonomous government institution funded by payroll taxes and mandatory employer contributions, ISSS provides health care to people employed in the formal sector. In October a judge declared the strike illegal. In November the Legislative Assembly passed and then, in December, repealed a law that prohibited any contracting of social security-related services. At year's end, negotiations continued over the reinstatement of workers dismissed during and prior to the strike and the payment of wages withheld from workers while they were on strike. ISSS management maintained it had fired the workers for threatening other employees or committing theft and fraud, while union leaders insisted ISSS had dismissed them for "opposing privatization." The Government said it could not pay people for time they had not worked, and it offered to give them overtime hours to make up their lost wages and catch up on the institution's backlog of work.

From September through the end of the year, dozens of strike leaders and their family members received phone calls threatening that harm would come to them if they did not cease their activities. When an NGO reported the threats to the Director of the PNC, he passed the information to the Attorney General's office, which began interviewing victims and attempting to trace the calls. Separately, doctors who wanted to work during the strike reported that they received phone calls threatening their own and their families' security if they worked.

The Secretary General of the social security workers' union (STISSS) Ricardo Monge reported that five people broke into his home on November 15 at 1 a.m. and threatened him and his wife during the half-hour they stayed. Allegedly they said they would kill him if he continued with the strike. Monge said they took union and personal papers but nothing else of value. He said he reported this to the police, the Attorney General's office, and the Human Rights Ombudsman.

In 2001 ISSS workers engaged in several work stoppages ranging from 2 to 24 hours. In October 2001, the ISSS dismissed 6 employees and suspended 22 others over an illegal work stoppage in May 2001. The Labor Ministry had authorized the suspension of the 22 workers for up to 30 days because, according to the Ministry, they had committed serious acts that interfered with the functioning of their workplaces. The union charged that the punitive measures were illegal because the law prohibits the dismissal or suspension of union leaders and filed a complaint with a labor court. The court had not issued a decision by year's end.

The Labor Code prohibits partisan political activity by unions. The unions routinely ignored this prohibition, but the Government took no punitive action against them.

Unions and other labor organizations freely affiliated with international labor organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution and the Labor Code provide for collective bargaining rights for employees in the private sector and for certain categories of workers in autonomous government agencies, such as utilities and the port authority. However, both private sector unions (by law) and public sector employee associations (in practice) used collective bargaining.

The MOL oversees implementation of collective bargaining agreements and acts as a conciliator in labor disputes in the private sector and in autonomous government institutions. In practice, ministers and the heads of autonomous government institutions often negotiate with labor organizations directly, relying on the MOL only for such functions as officially certifying unions. The Ministry often seeks to conciliate labor disputes through informal channels rather than attempt to enforce regulations strictly, which has led to charges that the Ministry is biased against labor. Labor leaders assert that the Government had an unfair advantage in arbitration of public sector labor disputes, because the Government holds two of three seats on arbitration panels. (The employer, the workers, and the Labor Ministry each name one representative to a panel.)

Corruption among labor inspectors and in the labor courts continued to be a problem. In June 2001, the Labor Ministry removed from their positions five inspectors, including a senior inspector, who had been accepting bribes from companies.

The Constitution prohibits discrimination against unions. It provides that union officials at the time of their election, throughout their term, and for 1 year following their term may not be fired, suspended for disciplinary reasons, removed, or demoted except for legal cause. However, the Labor Code does not require the employers to reinstate them, but requires the employers to provide a severance payment. In practice, some employers dismissed workers who sought to form unions. The Government generally ensured that employers paid severance to these workers. However, in most cases the Government did not prevent their dismissal or require their reinstatement. Workers and the ILO reported instances of employers using illegal pressure to discourage organizing, including the dismissal of labor activists and the maintenance of lists of workers who would not be hired because they had belonged to unions.

On May 6, SELSA, the labor union at the bakery products company, LIDO, conducted an on-the-job work stoppage to protest the lack of progress during 3 months of salary negotiations. In the following week, management prohibited the entry to the workplace of 41 union members, including 11 union leaders, but continued to pay their salaries. Both sides appealed to the labor courts. Management charged the 41 union members were conducting an illegal strike by failing to perform their duties. The employees accused management of applying a lockout. The courts rejected both assertions. The employees requested an inspection by the MOL to define the status of the affected workers. SELSA charged that the company continued to pressure other union members by reprimanding them regularly for disturbing order in the company. The Labor Ministry reported that it conducted the requested inspec-

tions, but the inspectors took no further action because another office of the Ministry was mediating between the parties. According to the Labor Ministry, in July the parties agreed that the company would pay the workers the salaries owed to them since May 7 as well as other wages and benefits due to them. The Ministry said that, on July 5, the union leaders received their first payments, and the 30 other workers submitted resignations and received payment in full. A labor NGO reported that a Labor Ministry official refused to release the settlement payments to the workers unless they signed letters of resignation and told them their alternative was to engage in a lengthy effort in the courts to obtain compensation. Six of the workers who signed the resignation and received payment filed a suit maintaining that the company had fired them illegally and their resignations had been coerced. The legal proceedings were underway at year's end.

Tainan, a major foreign-owned textile assembly factory, closed permanently in April, after initially announcing that it would suspend operations temporarily. The closure took place just as the union was reaching the affiliation level required for collective bargaining. While the company attributed the closure first to a lack of orders and then to business losses, labor advocates charged the multinational took this action to avoid having to deal with a union in its workplace. Following the initial suspension of operations, the union submitted a formal complaint to the MOL alleging the company had orders but chose to direct them to plants in other countries. The MOL responded that the Labor Code authorized enterprises to suspend labor contracts for lack of raw materials, and the law gave the MOL no discretionary authority in these cases. The union and its supporters in other countries conducted an international publicity campaign to bring pressure on Tainan and its buyers. In November Tainan and the union signed an agreement in which the company committed to open a unionized plant and to establish a compensation fund for workers affected by the closure.

Between September 2001 and November, the electricity generation company CEL dismissed 31 members of the Union of Electrical Sector Workers (STSEL), 6 of whom were union leaders legally protected from firing. The unionists charged the action aimed to destroy their organization. They alleged CEL reinstated two dismissed workers after they joined a rival union supported by CEL. To protest the firings, three members held a hunger strike for 23 days in October and November, and union members went on strike in a transmission plant for 2 weeks in November. STSEL filed complaints with the MOL, the PDDH, and the labor courts. CEL maintained it had fired some unionists—along with non-union members—for cause, and other union members had resigned. It offered severance pay to all of the employees in question, and 16 had accepted at year's end. The rival union denied it received preferential treatment from CEL. The Ministry of Labor held a mediation session in November, which achieved no further results. In December CEL dismissed 18 more union members. According to the union, 10 of those fired were union leaders, and one had a disability that entitled him to protection from dismissal. At year's end, none had received severance pay.

On December 21, 2001, the National Institute for Public Employees' Pensions (INPEP) dismissed 92 workers, of whom 56 were members of the Union of Workers of the National Institute for Public Employees' Pensions (SITINPEP), which complained to the ILO. The Government informed the ILO that the reduction in staff was necessary after 80 percent of pension contributors transferred their savings to a new pension system. The CFA expressed regret that the Government did not try to reach an agreement with the union before dismissing the employees, as required by the collective bargaining agreement. It asked the Government to ensure that there was an investigation to determine the reasons for the high proportion of unionists in the group of persons dismissed, and that, if the investigation found any of the dismissals were due to union membership or union activities, the Government take the necessary measures to ensure the affected workers' reinstatement. In preparing its response, the Ministry of Labor asserted that INPEP had repeatedly informed the union and all INPEP employees that its financial situation would require a reduction in staff. The Ministry of Labor underscored that INPEP had eliminated positions based on their function, regardless of who filled them, and that it had paid severance to the affected employees. During the year, the union charged that management pressured union members to renounce their affiliation. These resignations, the dismissals, and voluntary retirements from the institution reduced SITINPEP's membership below the threshold required to negotiate a collective bargaining agreement.

In February the semiautonomous port authority (CEPA) and the airport union, SITEAIES, signed an agreement resolving their dispute over the September 2001 suspension without pay of approximately 150 security and cargo personnel at the San Salvador international airport. The Government replaced these workers with

police and soldiers as part of its efforts to strengthen border security following terrorist attacks in the United States. The airport union charged that CEPA targeted union members for suspension to break the union and privatize some of CEPA's functions. Prior to the February agreement, all but 64 of the airport workers had accepted a voluntary retirement package offered by CEPA. In accordance with the settlement, the company paid severance to the 64 remaining suspended workers; the affected workers formed a cooperative; and, in April, the cooperative began providing cargo services at the airport. In June the ILO called for the Government to carry out an investigation and determine the reasons for the "militarization" of the airport and the extent to which it interfered with union activities. During the year, the airport union repeatedly expressed concern to the MOL that CEPA management was pressuring other airport employees to renounce their union affiliation and was firing workers without notifying the union in advance, as required by the collective bargaining agreement. In addition, it criticized the Government for not having completed the formal registration of the June 2001 collective bargaining agreement between CEPA and SITEAIES.

There are approximately 220 maquila (in-bond assembly or processing) plants, the majority of which are located in the country's 15 EPZs. The Labor Code applies in the EPZs; there are no special EPZ labor regulations.

Most businesses in the EPZs are subject to a growing number of private codes of conduct, which also include some worker rights protections. In addition, two EPZs have their own codes of conduct for all tenants. Some companies in the EPZs provided salaries and on-site benefits (for example, clinics, cafeterias) competitive with the best private sector enterprises (*see* Section 6.e.). However, there were credible reports that some factories dismissed union organizers, and there are no collective bargaining agreements with the 18 unions active in the maquila sector. The International Confederation of Trade Unions (ICFTU) contended in its 2000 report that some EPZ workers also received low pay, endured health and safety risks, 12- to 14-hour workdays, and had minimal toilet and rest breaks. The Government contends that the workers often prefer not to use safety equipment, and they have time for toilet and rest breaks.

The Ministry of Labor reported that it received nine complaints of minimum-wage violations during the year, of which seven had been resolved in favor of the workers. In the two remaining cases, the Ministry had initiated the process of imposing a fine (*see* Section 6.e.).

In May 2001, a foreign NGO, the National Labor Committee (NLC), made public the text of an August 2000 report on the maquila sector by the Labor Ministry that described what it called the systematic violation of workers' efforts to form unions as well as safety problems and mandatory overtime policies (*see* Section 6.e.). The report also identified weaknesses in the Ministry of Labor that undermined employers' and workers' confidence in the institution. After the initial publication of the report, the maquila association criticized it as unsubstantiated and inaccurate. Labor NGOs, unions, and workers affirmed that it described accurately conditions in the sector. In August 2000, the Minister of Labor retracted the report, saying that it had been published without his approval and did not adequately document its assertions. President Flores stated publicly that the report showed the Ministry of Labor was working to monitor conditions in the maquilas.

During the year, there was no progress in the 2001 labor court case of a pregnant woman fired by the apparel factory Amitex, allegedly for participating in the formation of a union.

Since 2000 the MOL has had branch offices in EPZs to make its services more accessible to its users. The Ministry provides the staff, and the EPZs covered other costs.

Workers in a number of plants reported verbal abuse, sexual harassment and, in several cases, being hit by a supervisor. The MOL has insufficient resources to cover all the EPZs, much less the much larger national private sector. In addition, corruption among labor inspectors continued to be a problem (*see* Section 6.a.).

Although a 1996 law gives the Ministry of Economy the power to withdraw free zone privileges from companies that violate labor regulations, there have been no instances in which this has been used or even threatened publicly. The ICFTU has reported persistent problems facing female employees in EPZs, including mandatory pregnancy tests and firing of workers who are pregnant (*see* Section 5).

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or compulsory labor, except in the case of natural catastrophe and other instances specified by law, and the Government generally enforces this provision; however, trafficking in persons, primarily women and children, is a problem (*see* Section 5).

Although not specifically prohibited by law, forced and bonded labor by children is covered by the general prohibition. There were no reports that such practices oc-

curred in the formal sector; however, there were reports that minors were forced into prostitution, and trafficking in children is a problem (*see* Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution prohibits the employment of children under the age of 14; however, child labor is a problem. According to the annual household census conducted by the Directorate General of Statistics and Censuses in 2001, more than 75,000 children between the ages of 5 and 13 worked, as did almost 147,000 minors between the ages of 14 and 17. Minors, age 14 or older, may receive special Labor Ministry permission to work, but only where such employment is indispensable to the sustenance of the minor and his or her family. This is most often the case with children of peasant families who traditionally work during planting and harvesting seasons. The law prohibits those under the age of 18 from working in occupations considered hazardous (*see* Section 6.e.). The law limits the workday to 6 hours (plus a maximum of 2 hours of overtime) for youths between 14 and 16 years of age and sets a maximum normal workweek for youths at 34 hours. The constitutional provisions apply to all sectors of the economy. However, there is a large informal sector where it is difficult to monitor practices or enforce labor laws. Orphans and children from poor families frequently work for their own or family survival as street vendors and general laborers in small businesses, mostly in the informal sector. Children in these circumstances often do not complete schooling. There were no reports of child labor in the industrial sector. It does not exist in the EPZs.

The MOL is responsible for enforcing child labor laws; in practice, labor inspectors focused almost exclusively on the formal sector, where child labor is rare, and few labor inspectors have dealt with child labor cases. The MOL has a mandate to monitor employers' observance of labor laws; however, there are no employers as such in most of the sectors identified as worst forms of child labor by a national committee. In 2001 the committee, composed of seven government agencies and representatives of labor, employers, and NGOs, identified commercial sexual exploitation, work in garbage dumps, fishing/shellfish harvesting, sugarcane farming, and fireworks as the worst forms of child labor. The MOL receives few complaints of violations of child labor laws, because many citizens perceive child labor as an essential component of family income rather than a human rights violation.

The Labor Code does not prohibit specifically forced and bonded labor by children, but they are covered by its general prohibition; however, there were reports that minors were forced into prostitution (*see* Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The minimum wage is set by executive decree based on recommendations from a tripartite (government, labor, and business) committee. The minimum daily wage is $4.80 (42 colones) for commercial, industrial, construction, and service employees; $2.47 (22 colones) for agricultural workers; and $3.57 (31 colones) for seasonal agriculture industry workers. The minimum wage with benefits does not provide a decent standard of living for a worker and family.

The MOL is responsible for enforcing minimum wage laws and generally does so effectively in the formal sector. However, some maquila plants underpaid workers and failed to compensate them in accordance with the law for mandatory overtime, and did not pay legally mandated contributions to health and pension programs. On January 1, Laitex, a foreign-owned maquila, ceased operations without paying its workers their salaries for the last 2 weeks of December, mandatory annual bonus payments, or severance. In addition, although it had consistently deducted mandatory employee contributions for health and pension programs, it had not transferred either the employees' funds or the mandatory employer contributions to the respective institutions. Two hundred and seventy of Laitex's 459 employees filed a complaint with the MOL. The Government prohibited the transfer or sale of Laitex's physical assets until the debts were resolved. To recuperate its fabric, Dorby Frocks, a foreign partner of Laitex, paid the overdue salaries; however, at year's end, neither company had paid the other debts.

The law sets a maximum normal workweek of 44 hours. It limits the workweek to no more than 6 days for all workers. It requires bonus pay for overtime. By law a full-time minimum wage employee is paid for an 8-hour day of rest in addition to the 44-hour normal workweek and receives an average of 1 month's wage a year in required bonuses plus 2 weeks of paid vacation. Many workers worked more hours than the legal maximum; some were paid overtime but others were not.

The Constitution and the Labor Code require employers, including the Government, to take steps to ensure that employees are not placed at risk in their workplaces. These laws prohibit the employment of persons under 18 years of age in occupations considered hazardous or morally dangerous, such as bars and billiard halls; the prohibition also applies to hazardous occupations such as agricultural work with poisonous chemicals or factory work with dangerous equipment. The

Labor Code prohibits pregnant women from engaging in strenuous physical exertion at the workplace after the 4th month of pregnancy. Health and safety regulations are outdated, and enforcement is inadequate. The MOL attempts to enforce the applicable regulations but has restricted powers and limited resources to enforce compliance. Workers in some maquilas expressed concerns about unhealthy drinking water, unsanitary bathrooms, and eating facilities, and inadequate ventilation (problems with dust and heat). Some of the largest plants have dust control, air conditioning, on-site medical facilities, and enforced safety regimes.

In July hundreds of workers showing classic signs of airborne contamination by a toxic substance were evacuated from several maquilas in a free trade zone. The workers were transported to hospitals, and almost all of those admitted were discharged within 24 hours. The company where the contamination appeared to originate closed its plant and did not allow anyone - including Ministry of Labor and Environment inspectors - to enter for more than 48 hours. Initial medical examinations and tests within the plants revealed no evidence of contamination. The Institute of Forensic Medicine identified a chemical used in the production of tear gas. Following further investigation, an interagency government report stated that none of the products authorized for use in the maquilas' activities produced the contaminant. It determined that a chemical agent unrelated to the industrial process must have caused the contamination and, therefore, the companies' monitoring systems could not have prevented the incident. At year's end, the Attorney General's office had not determined how the chemical had entered the facilities.

f. Trafficking in Persons.—In October 2001, the Legislative Assembly approved criminal code reforms that prohibited trafficking in persons. Prior to the reforms the Criminal Code stipulated that any crime involving commerce in women or children automatically carried a 30 percent increase in the prison sentence or fine that otherwise would be imposed for that crime; however, trafficking in persons is a problem.

Women and children are trafficked for prostitution to Mexico, Guatemala, and other Central American countries. In the past, there were credible reports that women and children were lured to Mexico by procurers only to be sold to owners of establishments there who then force the trafficked persons to work off the debt as prostitutes. On at least two occasions during the year, the Prensa Grafica newspaper reported the rescue of about a dozen Salvadoran women and girls from brothels in Mexico, where traffickers had obligated them to work. In 2001 Guatemalan authorities reported that street children from El Salvador were lured to border areas with Guatemala where they are then forced into prostitution by organized rings. In July police in Guatemala City raided a brothel and rescued nine children who had been lured from El Salvador by offers of legitimate employment, but then were forced into prostitution by the brothel's owner. Trafficking of female teenagers, from 14 to 19 years-of-age, for sexual exploitation also occurs within the country to the ports of Acajutla and La Libertad. The majority of trafficked victims transiting El Salvador are from Nicaragua, Honduras, and South America. According to police reports, Nicaraguan minors are trafficked to bars in the cities of San Miguel and El Sauce where they work as prostitutes. The most common methods used to approach the victims are kidnaping, lucrative job offers, and inducement into prostitution by friends.

The Unit for the Protection of Women and Children in the Attorney General's office investigates cases of abuse against women and children, including trafficking. The PNC, ISNA, and the Directorate of Immigration also are involved in combating trafficking in persons. However, the investigative units are new and poorly funded, and the Government has not prosecuted traffickers.

The Government deports non-Salvadoran victims of trafficking; however, victims can obtain temporary residency or refugee status if they are likely to face political persecution in the country of origin. Access to legal, medical, and psychological services is provided to the victims. Victims of trafficking are not treated as criminals. The Government does not provide assistance to its repatriated citizens who are victims of trafficking, nor does it support the NGOs that assist them.

GRENADA

Grenada is a parliamentary democracy, with a Governor General as titular Head of State. In the 1999 parliamentary elections, Prime Minister Keith Mitchell's New National Party (NNP) won all 15 seats and formed a new government. Subsequently, one Member of Parliament left the NNP and became the sole opposition member. The elections were conducted openly and fairly and were free of violence. The Constitution provides for an independent judiciary.

The 800-member Royal Grenada Police Force was responsible for maintaining law and order. It was controlled by and responsive to civilian authorities. There were occasional allegations of abuse by the police.

The free-market economy was based on agriculture and tourism. Grenada and 2 smaller islands, Carriacou and Petit Martinique, had a population of approximately 103,000. The projected annual real economic growth rate was 0.6 percent, compared with an estimated -3.4 percent in 2001.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. There were allegations of police brutality. Violence against women was common, and more women reported incidents of abuse and sought help from various support systems. Child abuse remained a significant problem, and in October 2001 the Social Services Ministry established a special hot line to handle complaints of abuse. Grenada was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reported incidents of torture. Flogging, a legal form of punishment, was rare but has been used as punishment for sex crimes and theft cases.

There were several reports of alleged police brutality. In mid-August the Nutmeg Association farmers led a march in the streets of St. George's to protest the Government's decision to support a private company, which offered farmers a higher price for their nutmeg than that which traditionally was offered by the Nutmeg Association. A police officer allegedly manhandled a woman during the demonstration. The Police Commissioner publicly requested anyone who had been treated brutally to report the incident to the Criminal Investigation Department, but no one came forward. As a result, the matter was dropped.

The media reported a second case in which three college students threatened legal action against members of the Royal Grenada Police Force for alleged police brutality. The police allegedly accused the boys of being members of the "Ginger Crew Gang," a group of teenage boys who were involved in the forced entry and disturbance of social functions, where they fought with the patrons. The three students asserted that they became victims of severe police brutality and retained a lawyer to press their case.

Allegations of police brutality were investigated internally by the police. The Police Commissioner could discipline officers in valid cases of brutality with penalties that may include dismissal from the force. The Police Commissioner continued to speak out strongly against police use of unlawful force.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The law provides the police with the right to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours. The police generally adhered to this time limit in practice. If the police do not charge a detainee within 48 hours, they must release the person.

The law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. The police must formally arraign or release a detained person within 60 days, and the authorities generally followed these procedures. There was a functioning system of bail, although persons charged with capital offenses were not eligible. Persons charged with treason may be accorded bail only upon the recommendation of the Governor General.

The Constitution does not address exile, but the Government did not use it.

e. Denial of Fair Public Trial.—The judiciary, a part of the Eastern Caribbean legal system, was generally independent. Final appeal may be made to the Privy Council in the United Kingdom. Those arrested on criminal charges are brought before a judge to determine whether there is sufficient evidence to substantiate the charges; if there is, the judge remands the defendant for trial.

The law provides for the right to a fair public trial, and the authorities generally observed this right in practice. There is a presumption of innocence, and the law protects persons against self-incrimination and requires the police to explain a person's rights upon arrest. The accused has the right to remain silent and to seek the

advice of legal counsel. A defense lawyer has the right to be present during interrogation and may advise the accused how to respond or not to respond to questions. The accused has the right to confront his accuser.

The court appointed attorneys for indigents only in cases of murder or other capital crimes. In other criminal cases that reached the appellate stage, the court appointed a lawyer to represent the accused if the defendant was not represented previously or reappointed earlier counsel if the appellant no longer could afford that lawyer's services. Due to the backlog of cases caused by a shortage of judges and facilities, those charged with serious offenses must wait from 6 months to 1 year before coming to trial in the High Court. With the exception of persons charged with murder and foreign-born drug suspects, the courts granted most defendants bail while awaiting trial.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the authorities generally respected these prohibitions. The law generally requires judicially issued warrants for searching homes, except in cases of hot pursuit. The law contains other exceptions that give the police and security units legal authority to search persons and property without warrants in certain circumstances. In practice police obtained warrants in the majority of cases before conducting any search.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. There were three weekly newspapers, and several other newspapers published irregularly. One of the weeklies was affiliated with an opposition political party, but the three most widely circulated newspapers were independent and often critical of the Government. The newspapers routinely carried press releases by the opposition parties, including regular weekly columns expressing the opposition parties' views.

There were 10 radio stations. The main station was part of the Grenadian Broadcasting Network (GBN), a privately owned organization in which the Government held a minority share. The principal television station was also part of the GBN, and there was a privately owned television station. A cable television company operated in most areas of the country. All newspapers, radio, and television stations enjoyed independence from the State and regularly reported opposition views. The television news often carried reports on opposition activities, including coverage of political rallies held by various political parties and candidates, public forums featuring political leaders of each of the major parties, and other public service broadcasts.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to assemble for any peaceful purpose and for the right of association, and the Government generally respected these rights in practice. Supporters of political parties met frequently and held public rallies; the authorities require permits for the use of a public address system but not for public meetings themselves.

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

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country, and all citizens had the right to enter and leave the country, except in special circumstances as outlined in and limited by the 1986 Act to Restrict the Freedom of Movement of Certain Persons. This law allows the Minister for National Security to restrict travel out of the country by any person whose aims, tendencies, or objectives include the overthrow of the democratic and parliamentary system of government; it has not been invoked in the past few years. Anyone so restricted may appeal after 3 months to an independent and impartial tribunal. The Chief Justice appoints an accredited lawyer to preside over such a tribunal.

No formal government policy toward refugee or asylum requests existed. The issue of provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. General elections must be held every 5 years; in January 1999, Prime Minister Keith C. Mitchell's NNP was returned to office, securing all 15 seats in Parliament. In 2000 a Member of Parliament changed party affiliation to become the single elected opposition member, leaving the NNP with a majority of 14 seats.

There were no legal or other impediments to the participation by women in government or politics. Four of the 15 elected Members of Parliament were women; there was 1 woman among the 13 appointed Senators. Women filled 10 of the 15 permanent secretary posts, the highest civil service position in each ministry.

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

Local human rights groups generally operated without government restriction, and the Government cooperated with visits from international human rights organizations.

In September 2001, the Government inaugurated a Truth and Reconciliation Commission to investigate the period between the mid-1970s and the late 1980s. The commission's terms of reference specify the objective of recommending "general amnesty to certain persons who in the opinion of the commission have given truthful information during the hearing of evidence." The commission was expected to review the convictions of former Deputy Prime Minister Bernard Coard and other leaders of the former People's Revolutionary government for their roles in the 1983 assassination of former Prime Minister Maurice Bishop and his cabinet colleagues. In 1986 a court convicted Coard and 18 other revolutionary leaders of murder and sentenced them to death; subsequently, 2 were pardoned, and the sentences of the remaining 17 were commuted to life in prison. Of these, one person was granted parole to undergo medical treatment overseas.

The 16 prisoners retained a lawyer from Trinidad who filed a constitutional motion on their behalf. In February a high court judge ruled that three should be released; the Government appealed, and in November the Eastern Caribbean Court of Appeal overturned the High Court's decision. The Truth and Reconciliation Commission held many meetings but had not presented its final report to the Government by year's end.

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

The Constitution prohibits discrimination based on race, place of origin, political opinion, color, creed, or sex, and the Government generally adhered to these provisions.

Women.—Women's rights monitors believed that violence against women remained a serious problem, and there was a notable increase in reports of incidents of violence during the year. Some observers believed that there was a new willingness by women to report abuse and seek assistance after Parliament enacted a bill aimed at combating domestic violence in May 2001. It provides for penalties including jail sentences, fines, and community service and also includes provisions for issuance of restraining orders. The police stated that most cases of abuse were not reported, and others were settled out of court. The law stipulates a sentence of 15 years' imprisonment for a conviction of any nonconsensual form of sex. Sentences for assault against a spouse varied according to the severity of the incident. There was a shelter for battered and abused women and their children in the northern part of the island, with medical and psychological counseling personnel on its staff. The home accommodates 20 persons.

Prostitution is illegal.

Sexual harassment in the workplace was a problem.

There was no evidence of official discrimination in health care, employment, or education. Women frequently earned less than men performing the same work; such wage differences were less marked for the more highly paid jobs.

Children.—The Social Welfare Division within the Ministry of Housing, Social Services, and Cooperatives provided probationary and rehabilitative services to youths, day care services and social work programs to families, assistance to families wishing to adopt or provide foster care to children, and financial assistance to the six children's homes run by private organizations.

Education is compulsory until the age of 16.

Government social service agencies reported a further increase in the number of child abuse cases, including sexual abuse. Abused children were placed either in a

government-run home or in private foster homes. The law provides for harsh penalties against those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest. There were three convictions for such offenses during the year, with abusers sentenced to a maximum of 15 years in prison. In January Parliament passed a Child Protection Act. In October the Social Services Ministry established a child abuse hot line; it received an average of six calls per day. Women's organizations and other nongovernmental groups increased their public awareness efforts to recognize and combat sexual abuse of women and children.

Persons with Disabilities.—The law does not protect job seekers with disabilities from discrimination in employment, nor does it mandate provision of accessibility to public buildings or services. The National Council for the Disabled and the National Children's Home assisted the Government in placing students with disabilities into community schools. The Council also sought assistance from architects and builders in the construction of ramps at hotels and public buildings, and ramps were installed at some hotels and government buildings.

Section 6. Worker Rights

a. The Right of Association.—All workers were free to organize independent labor unions. Although employers were not legally obliged to recognize a union formed by their employees, they generally did so in practice. Labor Ministry officials estimated that 25 percent of the work force was unionized, a decline reflecting loss of jobs during the year. Union leaders played a significant role in the political process, and one labor leader served in the Senate on behalf of the Grenada Trades Union Council (GTUC).

The law prohibits discrimination by employers against union members and organizers. Mechanisms exist to resolve complaints of discrimination. After all avenues for resolving a complaint have been exhausted between union representatives and employers, both sides may agree to ask for the assistance of the Labor Commissioner. If the Labor Commissioner is unable to find a resolution to the impasse, the Minister of Labor intervenes and, if unable to reach an agreement, may appoint an arbitration tribunal if both parties agree to abide by its ruling. The law requires employers who are found guilty of antiunion discrimination to rehire dismissed employees, but in most cases the employee accepts the option of compensation. There were no cases of antiunion discrimination reported to the Ministry during the year.

All unions were technically free of government control, and none received government financial support. However, all of the major unions belong to one umbrella labor federation, the GTUC, which was subsidized by the Government. The GTUC held annual conventions and determined some policies for member unions.

The GTUC and its unions freely affiliated with regional and international trade union groups.

b. The Right to Organize and Bargain Collectively.—Workers were free to organize and to participate in collective bargaining. The law requires employers to recognize a union that represents the majority of workers in a particular business.

Workers in the private and public sectors were free to strike, once legal and procedural requirements were met. There were several strikes or other types of industrial action during the year, including those by workers at the Nutmeg Association, the Grenada Sugar Factory, and the airport. All were short-lived and were settled with the intervention of the Labor Commissioner, the Minister of Labor, and the respective unions.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution specifically prohibits forced or bonded labor, including by children, and it was not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is illegal; however, children sometimes worked in the agricultural sector. The statutory minimum age for employment of children is 18 years. Inspectors from the Ministry of Labor enforced this provision in the formal sector by periodic checks; however, enforcement efforts in the informal sector were lax. The Government has endorsed but not yet ratified the International Labor Organization's Convention 182 on elimination of the worst forms of child labor.

e. Acceptable Conditions of Work.—For the first time, the Government established a tripartite Wages Advisory Committee, composed of union, business, and government representatives. The Labor Ministry prescribed minimum wages, which took effect in September. Minimum wages were set for various categories of workers; for example, agricultural workers were classified into male and female workers. Rates for men were $1.85 (EC$5.00) per hour, and for women $1.75 (EC$4.75) per hour; however, if a female worker performed the same task as a man, her rate of pay was the same. All agricultural workers must be paid for a minimum of 5 hours per day.

The minimum wage for domestic workers was set at $148.14 (EC$400) monthly. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. Most workers, including nonunionized workers, received packages of benefits from employers set by collective bargaining agreements between employers and labor unions. Many families received remittances from relatives abroad and also helped support themselves through garden-plot agriculture.

The Constitution stipulates that the maximum number of hours per week workers may work is 40. The law does not prescribe a standard workweek, except for the public sector, which is expected to work a 40-hour week Monday through Friday. The normal workweek in the commercial sector included Saturday morning work but did not exceed 40 hours.

The Government sets health and safety standards, but the authorities enforced them unevenly. Workers can remove themselves from dangerous workplace situations without jeopardy to continued employment.

f. Trafficking in Persons.—There were no laws that specifically address trafficking in persons. There were no reports that persons were trafficked to, from, or within the country during the year.

GUATEMALA

Guatemala is a democratic republic with separation of powers and a centralized national administration. The 1985 Constitution provides for universal suffrage to elect a one-term president and a unicameral congress. President Alfonso Portillo of the Guatemalan Republican Front (FRG) took office in January 2000 following a generally free and fair December 1999 runoff election. The FRG maintains a majority (63 seats) in the 113-member Congress. Despite significant pledges, the Portillo administration and Congress took only limited steps to implement the Peace Accords concluded with the Guatemalan National Revolutionary Unity (URNG) guerrillas in 1996. The judiciary is independent; however, it suffers from inefficiency, corruption, and intimidation.

The Minister of Interior oversees the National Civilian Police (PNC), created in 1997 under the terms of the Peace Accords. The PNC has sole responsibility for internal security. There are no active members of the military in the police command structure. In February the President ordered the dismissal of several military officers from positions in the Ministry of Interior. However, the Government frequently ordered the army to support the police, who are ill-equipped and lack resources. The United Nations Verification Mission in Guatemala (MINUGUA) reported that this practice constituted a grave setback for the demilitarization of public security, as called for by the Accords, and that there were no indications that joint operations reduced crime levels. Under existing law, military personnel were subordinated to police control during joint patrols or operations. The Constitution requires the Minister of Defense to be an active duty military officer. On December 29, the President announced a reduction of 162 persons from the Presidential Military Staff (EMP) and committed to further reductions and eventual dissolution of the EMP in 2003, in long-overdue compliance with the Peace Accords. Nevertheless, the Government has steadily increased the EMP's budget, while devoting a lesser amount of resources to its successor organization, the Secretariat for Strategic and Administrative Affairs (SAAS). Although troop readiness levels are low, the overall military budget again surpassed what the Peace Accords call for, leading civil society groups to allege corruption and call for transparency in budget and spending. Some members of the security forces committed human rights abuses. A number of retired military officers with widely acknowledged ties to violent, organized crime continued to have significant influence within the army, police, judiciary, and executive branch.

The private sector-dominated economy grew by approximately 2 percent during the year. The country has a population of approximately 13 million. Coffee, sugar, and bananas are the leading traditional exports, but tourism, apparel assembly, and other nontraditional industries all contribute more than coffee. Significant declines in world prices for coffee adversely affected the economy. Almost 40 percent of the work force and 60 percent of the poor are engaged in some form of agriculture, according to census data. Inflation was 6.3 percent during the year, but the national currency held its value against the dollar. Land distribution is highly skewed. One percent of farms contain more than one-third of all land being cultivated. There is a marked disparity in income distribution and poverty is pervasive, particularly in the large indigenous community. Approximately 83 percent of the population lives in poverty; this figure rises to 90 percent among indigenous people. According to the

U.N. Development Program (UNDP), 59 percent of the population lives in extreme poverty. Combined unemployment and underemployment were estimated at 46 percent. Foreign aid is an important part of national income. Remittances from citizens living abroad were the leading source of foreign currency and are growing.

The Government generally respected the human rights of its citizens; however, serious problems remain, and the human rights situation deteriorated in some areas. There were several reports of extrajudicial killings by security forces. There were increased reports of violent deaths, killings, and "social cleansing" in which persons deemed socially undesirable (e.g., gang members, local delinquents, street children, prostitutes, and homosexuals) were murdered. Lynchings and mob violence occurred at a higher rate than in 2001, although the numbers of deaths decreased due to improved police intervention. In some cases, security forces tortured, abused, and mistreated suspects and detainees. Prison conditions remained harsh. In many cases, the prosecutorial and judicial systems were unable to ensure full and timely investigations, fair trials, or due process. Arbitrary arrest and lengthy pretrial detentions continued to be problems. Judges and other law enforcement officials were subject to intimidation and corruption. In May the U.N. Special Rapporteur for Human Rights Defenders noted a significant deterioration in the security of human rights workers. Increased threats against judicial personnel, journalists, witnesses, labor organizers, church activists, and labor unionists heightened public insecurity. The obstruction of justice, threats, and intimidation also were traced to "parallel forces" or "clandestine groups" related to the Government. MINUGUA found that the majority of human rights violations were the result of the failure of the state to investigate and punish those who broke the law. MINUGUA estimated that 15 percent of the violations derived from the obstruction of justice, particularly by police officers whose only punishment was to be rotated out from assignments where there were problems. Efforts to reform the judiciary continued; however, impunity was systemic.

Most human rights cases remained pending for lengthy periods without being investigated or languished in the courts as defense attorneys took advantage of the inefficient judicial system and filed numerous motions and appeals to delay trials. On October 8, appeals judges annulled the 2001 conviction in the Bishop Gerardi murder case and ordered a retrial. The prosecution has appealed the judges' decision. On September 3, the trial of the alleged intellectual authors of the 1990 murder of anthropologist Myrna Mack began after a 12-year delay. On October 3, the court found former colonel Juan Valencia Osorio guilty of ordering her murder and sentenced him to 30 years imprisonment. The Government made some progress in fulfilling settlements negotiated by the Inter-American Commission on Human Rights (IACHR), such as in the case of murdered journalist Irma Flaquer, but negotiated no new settlements during the year.

Violence and discrimination against women persisted, as did societal abuse of children and discrimination against the disabled and indigenous people. Workers' efforts to form unions and participate in union activities were hindered by ineffective government protection. Child labor and trafficking in women and children were continuing problems. Guatemala was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

Attacks on human rights workers increased during the year. While some of these attacks may have been instances of common crime, the numbers and patterns of the attacks point to a deliberate, systematic effort to intimidate human rights workers. In March, members of a coalition of human rights groups demanded that the Government take measures to ensure the security of human rights workers, investigate and prosecute the material and intellectual authors of the attacks, investigate the existence of clandestine groups and parallel forces linked to state institutions believed to be behind the attacks, and dismantle them. The Secretariat of Strategic Analysis produced a report on the existence of such groups, although other public officials refuted its findings. Human rights groups broke off dialogue, asserting that the Government failed to respond adequately to their concerns and did not accept the President's offer to meet with them. Some government officials made public comments disparaging human rights workers and international observers, and asserted that some of them had fabricated alleged abuses.

In July members of the former Civil Defense Patrols (PAC) demanded payment for services rendered to the army during the armed conflict. The Government's initial agreement to provide indemnification prompted protest from civil society groups and international human rights observers. Opponents argued that compensating groups, many of which had committed documented human rights abuses during the conflict, was an insult to the victims for whom a National Reparations Plan has not been developed.

MINUGUA continued to monitor peace accord implementation and human rights issues. The Government asked the U.N. to extend MINUGUA's mandate. MINUGUA reported that the overall human rights situation deteriorated, and there were increased signs of the participation of clandestine groups in illegal activities linked to employees of the police, military intelligence, justice system, and Public Ministry. These groups appeared to act with relative autonomy, and there was no evidence that they were a part of government policy; however, they operated with impunity. MINUGUA found evidence of civilian and military officers linked to these groups operating both officially and unofficially within the executive and judicial branches.

In March Amnesty International (AI) reported that successive governments had failed to implement the human rights elements of the 1996 Peace Accords. The report alleged that this failure had contributed to new death threats, attacks, and other acts of intimidation against the country's human rights community and others trying to combat impunity. The report claimed that the failure of the legal system to deliver justice has been a major contributory factor to this situation. In August Human Rights Watch (HRW) reported that similar threats and attacks against human rights defenders were carried out by a clandestine group with possible links to both public security forces and organized crime. In September AI reported the continued operation of Civil Defense Patrols despite the provision for their dissolution in the Peace Accords.

A new Human Rights Ombudsman, backed by civil society organizations, was elected in June. A new Attorney General was selected on May 9 and promised to combat impunity and promote respect for human rights. He appointed a special prosecutor for crimes against human rights workers and agreed to appoint a special prosecutor for crimes against the indigenous.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were allegations of politically motivated killings by government agents, and security forces allegedly committed some extrajudicial killings. The Government demonstrated some willingness to arrest and prosecute those responsible; however, in many cases the scarcity of law enforcement resources and a weak prosecutorial system prevented the Government from adequately investigating killings and other crimes or arresting and successfully prosecuting perpetrators (*see* Sections 1.c. and 1.e.).

MINUGUA reported that it had received 89 allegations of extrajudicial killings between July 2001 and June and had confirmed the validity of the claims in 13 cases and 25 attempted killings. In the previous reporting cycle, July 2000 to June 2001, MINUGUA corroborated 26 killings out of 43 allegations. The report noted a number of extrajudicial killings by members of the police. Many of these cases involved accidental discharges of weapons, drunken misbehavior by on- or off-duty officers, questionable crowd control techniques, or poor judgment by officers who lost control of unstable situations involving angry crowds or persons resisting arrest. In some of these cases, there was effective investigation by both the police Office of Professional Responsibility (ORP) and the prosecutors. In others there was credible evidence of a cover-up by police officers, the ORP, or both, and frequently, inadequate investigations by the prosecutor's office. MINUGUA again noted an increase in the participation of municipal officials, particularly auxiliary mayors, in extrajudicial killings—primarily lynchings.

On January 29, some 20 agents of the now defunct Department of Anti-Narcotic Operations (DOAN) of the PNC entered the community of Chocon, Izabal, allegedly to conduct a drug raid. DOAN agents shot and killed Leonel Diaz Valenzuela and Abinail Cerna Castaneda as they ran from a storefront toward their homes. Other individuals were illegally detained, beaten, and tortured (*see* Section 1.c.). One individual, who was detained, disappeared (*see* Section 1.b.). DOAN officials remained in the community, occupying private homes and terrorizing the residents, for well over a day. The officers subsequently gave multiple versions of the events. On February 8,the ORP initiated an investigation and charged 17 agents with a cover-up, altering the scene of a crime, illegal detention, use of unnecessary force, and abuse of authority. Arrest warrants were issued for the 17; one suspect fled before he could be detained. On June 27, the Public Ministry asked the High Impact Court of Chiquimula to open oral proceedings against the 16 captured agents for extrajudicial killing, illegal entry, forced disappearance, altering a crime scene, and abuse of authority. On July 26, a judge ordered the trial to proceed.

In April the IACHR requested that the Government provide police protection to the members of the community after suspicious vehicles were seen in and around

Chocon and a witness, Marvin Estuardo de Leon, was murdered. In response, on April 12, the police established a substation in Chocon.

On February 28, a shootout between members of the Criminal Investigative Service (SIC) of the PNC and military intelligence personnel killed two members of the military, and wounded three police officers. Both the then-Minister of Interior and the Director of the PNC maintained that the incident resulted from a lack of communication during a rescue operation in a kidnapping case; however, there were credible reports that the participants in the incident were, in fact, members of a clandestine criminal group attempting to steal the ransom money. According to MINUGUA and press reports, there were indications that the criminals were members of the military. There was also credible information that the police killed one of the military personnel after he had been wounded and surrendered. The crime scene was altered, and evidence was removed. In May a SIC investigator's testimony that he was ordered to modify the official reports implicated the Director of the PNC, the Minister of Interior, and others in the command structure. Further obstruction of the investigation occurred when two military officers linked to the clandestine group were sent abroad.

There have been at least six murders of landless peasants occupying private land in Morales, Izabal municipality since April 2001. Agents associated with landowners are implicated in several of the murders, and three local police at the scene of one of the murders when the crime was committed were charged with "neglecting their duties." There have been few arrests and no convictions in any of these cases.

On April 4, police officers illegally detained Rudy Castillo and Erick Garcia in Sumpango, Sacatepequez. On April 8, the bodies of the two men were found with evidence of torture (*see* Section 1.c.). The ORP opened an investigation and on April 11, arrested officer Ronald Roca and charged him. Two other PNC suspects remained at large. The victims' families received multiple threats from unknown persons.

On April 27, William Ruano Mayen, the son of Pascual Ruano, a witness in the Bethel Route case in which some 18 individuals were the victims of extrajudicial killings by a group of former military and PAC members during the 1997–99 period, was killed. Evidence suggested links between the perpetrators of Mayen's death and the Bethel Route killings; however, police made no arrests in this case.

There was no progress in the investigation of the 2000 deaths of Oscar Guzman Garcia and Jose Castaneda Alvarez, who had been detained by men wearing military uniforms in a jeep marked "ZM12" (for Military Zone 12).

There were no known reports of deaths of detainees or prisoners while in police custody during the year, although most cases from previous years went unresolved, such as the 2000 death of Luis Armando Colindres while in police custody or those of the prisoners killed during jailbreaks and prison riots in 2001.

Most cases from past years remained unresolved, such as the killings of Constitutional Court president Epaminondas Gonzalez in 1994, former presidential candidate Jorge Carpio in 1993, and Gerardi witness Luis Garcia in 2001. There was some progress during the year in cases of past extrajudicial killings by members of the security forces. In many other cases, there was little or no progress, often due to the tactics of defense attorneys who frequently took advantage of a legal system that tolerates the filing of dilatory motions to derail impending trials against their military clients.

On September 3, the trial of Edgar Godoy Gaitan, Juan Valencia Osorio, and Juan Oliva Carrera, alleged intellectual authors of the 1990 murder of anthropologist Myrna Mack Chang, began. However, various appeals by the defense, including one questioning the legality of documents submitted as evidence, remained pending. On the first day of the trial, the president of the court ordered the defendants' imprisonment during the trial proceedings. During and leading up to the trial, witnesses, prosecutors, and at least one judge reported receiving threats (*see* Section 1.e.). In August unknown persons fired shots outside the home of Roberto Romero, attorney of private plaintiff Helen Mack, and Romero received threatening phone calls. Also in August, the IACHR ordered the Government to take necessary steps to protect Helen Mack and members of the Myrna Mack Foundation. On October 3, the court found former colonel Juan Valencia Osorio guilty and sentenced him to 30 years imprisonment.

In November the trial of the Mack case began in the Inter-American Court of Human Rights. The Court had agreed in 2000 to hear the case due to excessive delays of the application of justice in the Guatemalan courts.

On October 8, the Fourth Appeals Court annulled the 2001 conviction and sentencing of three military officers to 30-year, noncommutable sentences for the 1998 murder of Bishop Juan Gerardi, the Coordinator of the Archbishop's Office on Human Rights (ODHAG), and ordered a retrial. At year's end, the defendants re-

mained in custody awaiting a new trial. The prosecution appealed the judges' decision.

MINUGUA continued to confirm multiple complaints of threats, acts of intimidation, and surveillance by those involved with the case (*see* Sections 1.e. and 4).

In February the Public Ministry prosecutor, Mario Leal, announced that his office had discovered that some of the 183 individuals listed in the "Military Diary" were still alive. Leal indicated his intent to call 6 witnesses to give testimony in connection with 75 criminal cases filed by the victims' families against the military.

In June former PAC members staged a mass protest in the province of Peten, occupying roads, an airport, and an oil refinery and detaining tourists, while demanding cash payments for services rendered to the army during the armed conflict. The Government's conciliatory response and promises to consider compensation provoked outrage among civil society groups, who pointed out that the Government had not yet committed to a National Reparations Plan for victims of the armed conflict, a central recommendation of the Historical Clarification Commission (CEH). As groups of former PAC members across the country joined in the demands, international human rights observers spoke out against rewarding the victimizers. The CEH held the PACs responsible for 18 percent of the massacres of unarmed civilians during the conflict.

Progress in some notorious massacre cases stalled at year's end. In August, the Inter-American Court of Human Rights agreed to hear the case of the 1982 massacre in Plan de Sanchez, Baja Verapaz, in which the army and PAC members killed 268 people. The Government has not complied with the August 2000 settlement, including economic reparations, with the survivors and the victim families.

Despite a September 2001 Supreme Court order to proceed with the trial of five guerrillas for the 1998 massacre in El Aguacate, Chimaltenango, there was no progress in the case.

Judicial proceedings in the 1995 Xaman massacre case remained suspended due to multiple appeals pending before the Constitutional Court.

The case of the 1982 military massacre at Dos Erres, Peten, remained stalled in a Guatemalan court by 26 motions of appeal. Although the Government made a reparation payment to the victims' survivors in December 2001, further obligations under the 2000 amicable settlement remained unfulfilled.

Prosecutor Mario Leal continued to interview witnesses and conduct investigations in connection with the lawsuits filed in 2000–2001 on behalf of communities whose citizens were massacred by government security forces. Leal has interviewed more than 100 witnesses and visited 4 massacre sites. The suits allege crimes, including genocide, committed by the high command of former President Fernando Romeo Lucas Garcia and that of former "de facto" president and current President of Congress, retired General Efrain Rios Montt.

Exhumations of clandestine cemeteries continued throughout the year, although work was set back by death threats, and exhumation teams reported that some communities lost their will to participate (*see* Section 4). Forensic scientists have exhumed more than 2,000 remains from more than 280 sites since exhumations began in 1992. Most of the bodies recovered have been those of victims of military or paramilitary killings in the early 1980s. Forensics groups use the information obtained from the exhumations to verify eyewitness reports of massacres—of which the CEH recorded 669—and to determine, at least in general terms, who might have been responsible. Forensic research and DNA testing have identified some of the remains and have been used in some criminal cases.

In July Families of the Disappeared in Guatemala (FAMDEGUA) began to exhume remains of 16 guerrilla fighters killed by the army in 1990–92 and interred in common graves in Antigua, Sacatepequez. The exhumations were carried out in connection with a program that assists families seeking children lost during the conflict (*see* Section 1.b.). In August the Forensic Anthropological Foundation of Guatemala (FAFG) began to exhume several clandestine cemeteries around Rabinal, Baja Verapaz. Community records show more than 800 persons were killed in a massacre in 1981. Although the team only found 51 skeletons, including women and infant children, the majority incomplete, there was evidence that the site had been disturbed. During the year, FAFG teams also worked in Xiquin Sinai and Hacienda Vieja, Chimaltenango; Finca El Zapote, Alta Verapaz; and Inebe and Pacux, Baja Verapaz. By year's end, they had excavated 58 different sites and exhumed 417 remains.

In December 2000, a Spanish court decided not to hear a criminal complaint filed in 1999 by Rigoberta Menchu against Rios Montt, former President Fernando Lucas Garcia, and former de facto President Oscar Humberto Mejia Victores for human rights abuses including genocide, torture, and terrorism committed during the 36-year internal conflict. Menchu petitioned the Spanish Supreme Court in March 2001

to overturn the ruling, and in February the court agreed to consider her petition. A decision was pending at year's end.

There were plausible allegations of politically motivated killings by nonstate actors during the year, with only limited willingness on the part of prosecutors to investigate such murders. In some of these cases, evidence was not sufficient to conclude whether the killing was politically motivated.

On February 15, Cesar Rodas, a witness in the Government Printing Office case (*see* Section 2.b.), was shot and killed while walking toward his parked car. Although Rodas carried cash and other items of value, they were not taken. The police interviewed some 20 witnesses to the crime, but were not able to establish a motive. On March 7, the IACHR ordered the Government to provide police protection to five of the witnesses, who reported being followed and threatened by unknown individuals.

On March 14, four armed men shot and killed Jorge Rosal, a regional leader of the Patriot Party, as he left the party's Guatemala City headquarters. The Ministry of government quickly discounted a political motive, even though nothing was stolen from Rosal's person. A month before, the party's founder, retired General Otto Perez Molina, had registered the new opposition party. Four days before the shooting, Rosal had participated in a march with other members of the Patriot Party involved in the Civic Movement, a political association founded to protest government corruption (*see* Section 2.b.). The ensuing investigation produced no suspects or motive.

On April 29, Guillermo Ovalle, an accountant at the Rigoberta Menchu Foundation, was shot and killed while having lunch in a cafeteria frequented by the staff of various human rights NGOs. Police immediately captured two suspects identified by witnesses at the scene of the crime. Nearly 4 months after the incident, the prosecutor had not completed various pretrial proceedings, such as the identification of the suspects in a line-up, due to dilatory tactics employed by the defense (*see* Section 4).

During the year there were several killings characterized as acts of "social cleansing" in which persons deemed as socially undesirable were murdered. Unknown individuals killed at least five male homosexual sex workers (*see* Section 5). Police did not identify any suspects. Street children continued to be the victims of violence by unknown persons (*see* Section 5).

There was no progress in the investigation of the 2000 and 2001 attacks on the son and daughter of retired General Otto Perez Molina and the killings of Patricia Castellanos Fuentes de Aguilar and Francisco Aguilar Alonzom.

There was no progress in the investigation of the May 2001 killing of Sister Barbara Ann Ford. The prosecutor assigned to the case was slow to investigate leads and was reluctant to cooperate with MINUGUA. A motive has yet to be established.

MINUGUA reported 48 lynching cases involving 104 victims during the year. In 14 cases, 20 victims died. While the number of reported lynchings increased in comparison to 2001, the numbers of deaths decreased, in large part due to the improved efforts of the police. In 2001 police intervention saved lives in 40 out of 75 cases recorded. MINUGUA continued to verify cases that were planned or premeditated events, some of which had the participation of municipal officials, local leaders, or former members of Civil Defense Patrols. The large majority of the attacks took place in heavily indigenous, rural areas that suffer from the lowest rates of human development and poverty, and where the justice system is least accessible. MINUGUA concluded that the Government's weak response to crime fueled partial public acceptance for lynchings.

Since MINUGUA began tracking individual lynching cases in 1997 and up until January, it recorded a total of 421 cases, resulting in 215 deaths. Less than 10 percent of the perpetrators of these lynchings have been tried and sentenced, and convictions were handed down in only 24 cases. In March 2001, a judge issued 41 arrest warrants for the alleged ringleaders of the 2000 lynching of 8 men at a roadblock near Xalbaquiej, Chichicastenango. The orders did not arrive at police headquarters until October 4, 2001, were subsequently sent to the Quiche station on October 22, 2001, and were finally delivered to the substation in Chichicastenango in February, almost a year later. By year's end, the police had not arrested anyone.

Although in most cases the justice system has been slow to investigate, convict, and imprison perpetrators of lynchings, the Government has demonstrated increased willingness to prosecute lynching offenders. In February a prosecutor formally charged 22 individuals with illegal detention, kidnaping, murder, illegal inhumation, and resisting arrest in connection with the October 2001 lynching of Juan Cuc, Jose Ical Xip, and Rene Alfredo Cho. On December 11, a court in Coban, Alta Verapaz, found Alfredo Caal, Esteban Quej, and Celio Ortiz guilty of the March 2001 lynching of Alvaro Hugo Martinez Perez, a justice of the peace in Senahu, Alta Verapaz, and sentenced them to 52 years in prison.

There were several unsuccessful attempts to lynch local judicial officials. On July 9, inhabitants of Nebaj, Quiche, took Judge Griselda Yoc hostage. Yoc was taken to the town plaza, where the crowd demanded that she explain the status of a case against a member of the community. On July 19, a mob stormed the justice center demanding the release of a second man whom Judge Yoc had ordered arrested for invasion of private property. The Supreme Court closed the center on July 23. Yoc and Juan Tul, a Justice of the Peace who had also been threatened, were transferred. The center remained closed for 10 days.

b. Disappearance.—There were no reports of politically motivated disappearances during the year; however, there was at least one reported disappearance during detention by security forces.

On January 29, DOAN agents, conducting a drug raid in Chochon, Izabal, illegally detained Humberto Orellana Sis. Orellana Sis subsequently disappeared and his whereabouts remain unknown (*see* Section 1.a.).

On May 3, a human rights worker was abducted and tortured by unknown men, who made cuts on his abdomen with a knife while questioning him about his work (*see* Section 4).

Disappearances in high-profile cases from past years remained unresolved at year's end. There was no progress in the investigation into the 2000 disappearance of University of San Carlos professor and social activist Mayra Gutierrez, and the case remained pending before the IACHR. There was also no progress in the disappearance case of Mynor Pineda Augustin following his 2000 arrest for kidnapping.

In June the National Commission for the Search for Disappeared Children, created by civil society organizations in June 2001 after the Government failed to follow the recommendation of the Historical Clarification Commission to create such a body to search for children who had disappeared during and since the armed conflict, released a report on its first year of work. The Commission documented 425 cases of disappeared children and facilitated 17 family reunifications. The Commission reported that the primary obstacle to its work was the military's refusal to provide access to its records on captured children. In February the U.N. Special Rapporteur for Children in Armed Conflicts recommended that the Commission be officially recognized and enjoy formal participation by the Government (*see* Section 4).

In June 2001, groups associated with the National Human Rights Coordinator filed 5,000 habeas corpus briefs on behalf of individuals who disappeared between March 6, 1965, and October 19, 1993. The briefs were processed immediately by the Supreme Court and sent to the sentencing court to be investigated; however, little progress was made.

In February the Inter-American Court for Human Rights ordered the Government to locate, exhume, and relinquish the remains of guerrilla leader Efrain Bamaca Velasquez, who disappeared in 1992, publicly acknowledge responsibility for his death, and pay $498,000 (3,859,500 quetzals) in damages to his survivors.

The appeal of the September 2001 decision of the trial court to dismiss, for lack of sufficient evidence, the case against retired General and former de facto president Oscar Mejia Victores for his alleged role in the 1984 disappearance of Fernando Garcia continued at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for the integrity and security of the person and prohibits physical or psychological torture of prisoners; however, there were credible reports of torture, abuse, and other mistreatment by members of the PNC during the year. These complaints typically involved the use of excessive force during arrests, interrogations, or other police operations. SIC detectives continued to torture and beat detainees during interrogation to obtain forced confessions, as did DOAN agents in one case. The Government and the PNC showed little willingness to investigate, prosecute, or otherwise punish officers who committed abuses. The PNC transferred some cases of alleged torture to the Prosecutor's Office. There were a significant number of murder victims whose bodies demonstrated signs of torture or cruel treatment (*see* Section 1.a.).

In its 13th Report on Human Rights, MINUGUA reported receiving 551 complaints of torture, cruel, inhuman and degrading treatment, and confirmed 270. The police, especially the Criminal Investigative Service (SIC), committed the majority of violations. While complaints of cruel, inhuman, and degrading treatment by police increased by 128 percent, complaints of torture by police declined by 57 percent. The police sometimes punished the use of excessive or illegal force by officers; however, they more often merely transferred offenders to a different location. In several cases, there was credible evidence that police officers and their superiors altered docu-

mentation, falsified evidence, bribed and intimidated victims and witnesses, or otherwise obstructed the investigation and prosecution of police misconduct.

On January 29, DOAN agents unlawfully detained Porfirio Sanchez Grijalba, Carlos Humberto Padilla, and Elio Hernandez Sanchez during an alleged drug raid in Chocon, Izabal. All three were beaten. A hood containing insecticide was placed over Sanchez's head while he was interrogated and Hernandez's testicles were crushed (*see* Section 1.a.).

On February 8, a PNC officer raped two women who were detained in a police station in Villa Nueva. On February 13, two other women reported that they had been asked for sexual favors by officers in the same station in exchange for the alteration of the report detailing their crime. They reported that when they refused, they too were raped. The ORP did not open an investigation, and the offending officers were transferred to another station.

On April 4, the corpses of two men who were illegally detained by PNC officers were found, showing signs of torture (*see* Section 1.a.).

On May 3, a human rights worker was abducted and tortured by unknown men, who made cuts on his abdomen with a knife while questioning him about his work (*see* Section

On September 6, the decapitated body of Manuel Garcia de la Cruz, member of National Coordinator of Widows (CONAVIGUA), a human rights group, was found in Joyabaj, Quiche. The police have not identified any suspects.

Casa Alianza, an NGO, reported that the number of incidents of killing and abuse of street children increased (*see* Sections 1.a. and 5).

During the year, groups of peasants forcibly occupied more than 60 farms in attempts to gain land. In most cases eviction orders were not enforced. In some cases, evictions were carried out peacefully. There were also isolated reports of excessive force by the police. On March 8, a police officer was accused of killing Jose Benjamin Perez in Morales, Izabal (*see* Section 1.a.).

Corruption continued to be a major problem, and there were credible allegations of involvement by individual police officers in criminal activity, including kidnapings. Rather than discipline its officers, the police often just transferred them to a different part of the country. Transfers are a common practice and are used to avoid personnel problems, corruption, and questions of mistreatment of detainees. Impunity for police who commit abuses remained a serious problem.

All PNC members were required to meet minimum education requirements and pass an entrance examination. There were also screening procedures to detect suspected human rights violators and officers involved in criminal activities. Beginning in January, new recruits were required to complete an 11-month training course, including 60 hours of human rights training and 20 hours of ethics, before entering on duty. Previously training lasted 6 months and incorporated 35 course hours on human rights. The military also made efforts to incorporate human rights training into its curriculum. In March the army sponsored a Regional Human Rights Seminar with other militaries in Latin America to discuss performance measures for human rights standards.

In November 2001, the Government reached the Peace Accords goal of putting 20,000 police on active duty. At year's end, PNC officers numbered 21,180, representing 1 police officer for every 2,200 people. Representation outside of the capital is improving; however, approximately two-thirds of those police districts remained 60 to 75 percent staffed.

During the year several human rights NGOs and the Institute of Comparative Studies in Penal Science formed the Council of Monitoring and Support to Public Security to oversee the progress of reforms to the PNC. In July it released its first report, which stated that the principal problems facing the police were a lack of professionalization, military influence, a lack of resources, and a lack of internal controls. The Council reported that the constant turnover in leadership, including both the director of the PNC and the Minister of Interior, hampered continuity in policy and generated insecurity within the institution. A lack of basic supplies such as fuel and parts for vehicles, radios, and uniforms, further inhibited its effectiveness. During the year, the Government transferred funds from the PNC to both the Ministry of Defense and the EMP, while the Police Academy suffered from a severe lack of financial resources.

In 1998 the PNC accepted some 60 police candidates from indigenous communities in the Ixil region—approximately 30 of whom graduated on their first attempt—to ensure that PNC personnel in those communities would be proficient in the local language and able to operate effectively in those communities. According to MINUGUA, approximately 7 percent of PNC officers speak an indigenous language. More officers who speak an indigenous language have been assigned to a

town where this skill can be put to use. Approximately 75 percent now work in the geographic area of their particular linguistic competency.

According to the Interior Ministry, there were more than 60,000 private security agents working in the country. Many firms have not completed legal requirements and are owned by ex-soldiers and policemen. Their forces outnumbered the police. The Ministry has done little to investigate this issue, despite its jurisdiction over the regulation of private security firms. In February, a court sentenced a private guard to 30 years' imprisonment for the 2000 killing of a father and son.

The ORP performs internal investigations of misconduct by police officers. Despite greater numbers of police officers on duty throughout the country and less public apprehension about filing complaints against the police, the total number of such complaints remained roughly the same as the previous year. The ORP has a strong corps of investigators and has shown a considerable degree of improvement in professionalism. However, their independence and effectiveness has been hampered to some degree by the lack of support from the PNC leadership. There were isolated cases in which ORP investigators appeared to participate in cover-ups of police misconduct. The ORP reported that in 2001, it received 1,693 complaints, including 29 cases of homicide, 131 cases of abuse of authority, 136 cases of threats, 201 cases of robbery, 7 cases of kidnaping, 63 cases of unlawful detention, and 150 cases of corruption. The ORP received 1,581 complaints in 2000, including 43 of homicide, 222 of abuse of authority, 104 of robbery, 141 of corruption, 108 of improper conduct, 107 of threats, and 72 of illegal detention. Cases in which sufficient evidence suggested that criminal acts were committed were forwarded to the Public Ministry for further investigation and prosecution. In 2001 the PNC fired 467 officers. In 2001 the ORP closed 878 cases, compared to 870 cases in 2000. The investigators found 35 percent of officers culpable and exonerated 65 percent.

No active members of the military serve in the police command structure. However, a 2000 law allows the Government to employ the army to support temporarily the police in response to the rising rates of violent crime. Under the law, military personnel are not clearly subordinated to police control during joint patrols or operations. In a May publication on the military's compliance with the Peace Accords, MINUGUA noted that in some cases the army conducted patrols independently and ordered district police chiefs to submit written reports of their activities to local base commanders. The practice put the institutional development of the PNC and judicial due process at risk and was a serious setback for the demilitarization of public security as stipulated by the Accords. MINUGUA reported that there was no evidence that crime levels decreased as a result of the initiative.

On February 28, a shootout between members of the SIC and military intelligence personnel during an alleged joint operation left two dead. The subsequent investigation revealed alteration of official reports, disturbance of the crime scene, and links between participants and clandestine criminal networks (*see* Section 1.a.).

In May MINUGUA noted that excessive physical punishment continued to play a role in the training methods of both the Kaibil army special forces unit and the Adolfo V. Hall military academy.

Prison conditions remained harsh but generally not life threatening. The prison system continued to suffer from a severe lack of resources, particularly in the areas of prison security and medical facilities. In September the prison system reported that its capacity nationwide was 6,870; however, the prison population at the time was 7,103. Fifty-five percent of the prison population was not serving prison terms but was being held in pretrial detention. Pretrial detainees often were not separated from convicted criminals. However, in June the Director of the Penitentiary System announced renewed efforts to ensure their separation. Many were released either on good behavior or because they never were sentenced. Some institutions were overcrowded, but the Government made efforts to build new facilities and in August opened a maximum security prison in Culiapa. The new facility featured a recreation area, a private visiting area, and medical and mental health clinics. The guards assigned to the facility were recent graduates of the School for Prison Studies, created in 2001 to professionalize the prison system's staff. By year's end, 955 guards had graduated from the program. The average guard-to-prisoner ratio is 1 to 12.

On December 23 and 24, inmates at Pavoncito prison staged violent protests over the quality of food, the lack of visitation rights, and poor living conditions. The prisoners eventually took control of the prison. During the tumult, 14 prisoners were killed and 50 were wounded. Practically all of the killings were committed by rival groups of prisoners. NGOs allege that a pre-holiday roundup of youths for pre-trial detention contributed to the rioting by disrupting the balance of power between youth and more established gangs in prison.

Prisoners continued to complain of inadequate food and medical care. Corruption, especially drug-related, was widespread. Prison officials reported frequent escape attempts and other manifestations of prisoner unrest. The military continued to provide perimeter security for various prisons, as it has done since 1998.

In June 2001, 78 prisoners escaped from the maximum-security prison facility in Escuintla. More than a year later, the authorities had recaptured 53; 11 were killed, often under questionable circumstances; and 14 others remained at large. Although the deaths of four of the escapees were attributed to rival gangs, numerous activists questioned whether the killings were instead an act of social cleansing by authorities or parastatal elements.

According to press reports, the organizers of the June 2001 prison break had bribed prison officials. On March 4, the trial of 20 guards, 2 wardens, the director, and the vice-director of the prison for allegedly collaborating with the breakout began. It lasted more than 2 months as judges heard the testimony of more than 80 witnesses. The director of the prison implicated high-level authorities in the prison system as well as the ex-Minister of Interior, Byron Barrientos, who was called for questioning but not charged with any crime. On May 23, the Criminal Court of Escuintla sentenced the director and vice director, the wardens, and a commander of the guard forces to five-year, commutable sentences. The remainder were absolved. In June the prosecutor asked for a retrial after various witnesses retracted their statements.

In the wake of the prison break, a Consultative Commission on the National Penitentiary System was established to analyze the existing system and develop recommendations for improvements. The Commission's final report found conditions to be very poor, especially for special needs groups such as the sick, elderly, or disabled. It found that prisoners often take control inside prisons and run criminal rings while incarcerated, and that guards are often corrupt and poorly trained. It submitted reform proposals to Congress that would allow every prisoner to work and receive remuneration, provide educational opportunities, form libraries, improve hygiene, strengthen security, and improve infrastructure. During the year the Government made some progress in improving access to education and skills training for inmates.

The 401 female prisoners in the penal system generally are held in facilities separate from men. However, the conditions are equally poor. The Government permitted access to prisons by family members. Immigration detention facilities do not always keep female detainees separate from the male population.

Children are held in separate detention facilities. According to a 2000 MINUGUA report, there are only five juvenile delinquent facilities in the country, and approximately 39 percent of the children housed in these facilities have sought protection from the state and have committed no offense.

In May the Constitutional Court ordered that a date be set for the implementation of the version of the Minors' Code proposed by the FRG-led Congress to supplant the outdated 1979 Code presently in force (*see* Section 4).

The vast majority of juveniles detained by authorities are between 16 and 18 years old; 84 percent are boys. The Secretariat for Social Welfare runs four Centers for the Treatment and Orientation of Minors: one for girls and three for boys. Officials do not separate adequately those who have been convicted and are serving a sentence from pre-trial detainees. Those who are serving time for minor infractions are often held with those who have committed serious offenses. Adequate sanitation, hygiene, and nutrition are persistent problems within the under-funded system.

The Government permits prison visits by independent human rights monitors, public defenders, and religious groups.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention. However, there were frequent credible reports of arrests without judicial warrants, illegal detentions, and failure to adhere to prescribed time limits in legal proceedings. In practice, arresting officers frequently fail to satisfy legal requisites, especially with minors. The Constitution requires that a court-issued arrest warrant be presented to a suspect prior to arrest unless he is caught in the act of committing a crime. Police may not detain a suspect for more than 6 hours without bringing the case before a judge. Once a suspect has been arraigned, the prosecutor generally has 3 months to complete his investigation and file the case in court or seek a formal extension of the detention period. The law also provides for access to lawyers and bail for most crimes.

There are no comprehensive, reliable data on the number of arbitrary detentions, although most accounts agree that security forces routinely ignored writs of habeas corpus in cases of illegal detention. In its 12th report, MINUGUA investigated 110 cases of illegal or arbitrary detention, and confirmed 88 of them. These figures re-

flected an increase over the previous reporting cycle, in which MINUGUA investigated some 31 cases of illegal or arbitrary detention, and confirmed 23.

A study of the due process of minors in detention found that 95 percent of arrests of minors are without a warrant. Of these cases, 87 percent never go to trial. When the court system analyzed arrest warrants for juveniles, it found such reasons as having tattoos or scandalous behavior in public.

According to the registry maintained by the prison system, there were a total of 8,077 prisoners throughout the country. Of those, 3,092 had been sentenced and the rest awaited trial. The law sets a limit of 3 months for pre-trial detention; however, longer detentions still occurred routinely. Prisoners often were detained past their legal trial or release dates, sometimes for years. Prisoners were not released in a timely fashion after completing their full sentences due to the failure of judges to issue the necessary court order or other bureaucratic problems.

The Constitution prohibits exile, and it is not practiced as a matter of policy. However, self-exile is a very common response by citizens who feel threatened or intimidated.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judicial system often fails to provide fair trials due to inefficiency, corruption, insufficient personnel and funds, and intimidation of judges, prosecutors, and witnesses. The system's response to human rights violations, as well as to general criminal activity, has been inadequate. Many high-profile human rights cases remained pending in the courts for long periods as defense attorneys employed numerous dilatory appeals and motions. Courts sometimes took months to resolve even patently frivolous appeals. There were numerous credible allegations of corruption, manipulation, and intimidation in the judiciary. Intimidation and killing of witnesses continued to be a problem; there were credible reports of the killing and threatening of witnesses (*see* Section 1.a. and 1.c.).

Judges and prosecutors continued to receive threats designed to influence pending decisions or to seek reprisal for past decisions. Death threats and intimidation of the judiciary were common in cases involving human rights violations, particularly when the defendants were active or former members of the military, military commissioners, or former members of Civil Defense Patrols. Witnesses are often too intimidated to testify. With relatively few exceptions, plaintiffs, witnesses, prosecutors, and jurists involved in high-profile cases against members of the military reported threats, intimidation, and surveillance. Prosecutors, judges, and witnesses associated with the Gerardi case reported continued threats, as did witnesses, prosecutors, and at least one judge in the Mack case (*see* Section 1.a.). In July, unknown individuals fired shots into the office of Flor de Maria Garcia, who served as a judge in the Gerardi case. Those involved in government corruption cases were also targeted, as in January when the SIC uncovered a plot to assassinate the prosecutor handling a case implicating former Minister of Interior Byron Barrientos and several vice-ministers.

Many judges are denied health and life insurance because the threats and intimidation that they receive make their jobs too dangerous. The Government allocated more resources to the judiciary's physical security, including providing protective details for a judge and members of the prosecution team in the Mack case (*see* Section 1.a.). In July the Supreme Court announced the creation of a permanent unit of 160 bodyguards to provide security for threatened judges and magistrates. By September the Public Ministry had spent approximately $195,000 (1.5 million quetzals) on its witness protection program. In June the Association of Judges and Magistrates announced that 51 judges had been threatened during the first 6 months of the year. By July 31, the Special Prosecutor for crimes against judicial personnel had been assigned 150 cases; however, the unit lacks the personnel and resources necessary to carry out its mission.

In March the U.N. Special Rapporteur on the Independence of Judges and Lawyers, Param Cumaraswamy, submitted the report of his May 2001 fact-finding mission to the U.N. Commission on Human Rights. While the report applauded efforts to professionalize the judiciary, it noted that harassment and threats to justice workers had increased and that adequate steps to ensure their security had not been taken, thereby undermining their independence.

On April 15, an office in the headquarters of the Institute for Public Penal Defense was broken into and ransacked. The incident occurred while the Advisory Board was in session on a different floor of the building. The perpetrators stole case processing computers, other electronic equipment, and paper files, and urinated on desks and furniture before leaving the office.

There were several unsuccessful attempts to lynch local judicial officials (*see* Section 1.a.).

The judiciary is composed of the Supreme Court, appellate courts, trial courts, and Probable Cause Judges (who function like grand juries). There also are courts of special jurisdiction, such as labor courts and family courts, which also are under the jurisdiction of the Supreme Court. The Constitutional Court is independent of the rest of the judiciary. There are several community courts in indigenous rural areas.

The Constitution requires that Congress elect all Supreme Court and appellate court magistrates every 5 years from lists prepared by panels composed of active magistrates, representatives of the bar association, law school deans, and university rectors.

The Criminal Procedures Code provides for the presumption of innocence, the right to be present at trial, the right to counsel, plea bargaining, and the possibility of release on bail. Trials are public, allowing victims, family members, and human rights groups to observe the process. Three-judge panels render verdicts. The Criminal Procedures Code introduced oral trials; however, only those attorneys who have graduated since 1994 have had any real training in oral trials. In 2001 an innovative pilot project was initiated in the municipalities of Zacapa and Quetzaltenango to present pretrial motions orally, rather than in writing, and the Supreme Court approved the extension of the project throughout the country. The code also provides for language interpretation for those who require it. However, in practice this provision is rarely honored due to budgetary and other constraints (*see* Section 5). During the year, there were six interpreters, six bilingual public defenders assistants, and four public defenders who spoke indigenous languages throughout the country working with the Institute for Public Defense. The Prosecutor's Office, which is independent of the executive branch, may initiate criminal proceedings on its own or in response to a complaint. Private parties may participate in the prosecution of criminal cases as co-plaintiffs. Lengthy investigations and frequent procedural motions by both defense and prosecution often lead to excessively long pre-trial detention (*see* Section 1.d.). Courts showed little willingness to exercise discretion in dismissing frivolous or patently invalid motions. As a consequence, parties continued to use such motions as delaying tactics, frequently holding up trials for several months or even years.

Inefficiency, lack of resources, and corruption in the courts, Public Ministry, and police continued to impede the proper functioning of the judicial system and to undermine the right to due process. In March magistrates from the Supreme Court threatened to take legal action if Congress did not approve an increase of approximately $23 million (180 million quetzals) in the budget for the year. The Court argued that by not authorizing sufficient funds for the functioning of the judicial system, Congress violated the Constitution. The authorized budget was almost $13 million (100 million quetzals) less than in 2001. Several judges alleged that the cuts were retribution for Court decisions that permitted legal action against several FRG deputies. In May an agreement was reached with the Ministry of Finance to transfer the needed funds.

The Supreme Court continued to seek the suspension of judges and to conduct criminal investigations for improprieties or irregularities in cases under its jurisdiction. In 2001 the Discipline Unit investigated 503 cases of wrongdoing. As a result of those investigations, 14 judges were sanctioned, 32 were suspended, and 4 were sanctioned with the recommendation that they be removed. Of the sanctions, 1,159 were findings of impropriety, 66 were warnings, 9 judges were fired, and 1 was suspended. Magistrates received 13 findings of impropriety.

The Public Ministry has been hampered in its efforts to investigate crimes and prosecute offenders by inadequate training and equipment, excessive caseloads, and insufficient numbers of qualified investigators. Prosecutors remained susceptible to intimidation and corruption. In addition, the law's failure to delineate the responsibility for investigating crimes to either the PNC or the Public Ministry led to continued infighting and competition between these organizations, as well as the duplication of investigative efforts. On May 9, Carlos de Leon was appointed as new Attorney General and head of the Public Ministry. De Leon argued that a lack of funding was the source of most of the Ministry's deficiencies. In August he announced that he would ask Congress to increase the Ministry's budget by 60 percent in 2003.

The 1999 Law on Judicial Careers established a system to regulate the income, terms of office, promotion, training, disciplining, and other activities of judges and magistrates. It provided for a mandatory 6-month training course for all newly appointed judges. The panel reviewed numerous cases and issued sanctions ranging from letters of reprimand to firing. The Council is responsible for selecting judges as well as disciplining them in accordance with the law's criteria for sanctions.

In March the Disciplinary Unit suspended two judges from the 14th Appellate Court of Coban for releasing two captured drug traffickers on bail. The Unit found

the judges guilty of ineptitude, not corruption, despite allegations that the suspects had paid approximately $195,000 (1,511,250 quetzals) for their liberty. The judges were suspended for 3 months without pay.

In April the Judicial Career Council reviewed the performance of 66 judges who were hired in 1996 and were required under the 1999 law to be evaluated to enter the Judicial Career system at the termination of their contract. Seventeen contracts were not renewed.

In cooperation with foreign donors, the Government continued its efforts to reform the judicial system. Twelve justice centers, which bring together judges, public defenders, prosecutors, private law practitioners, police, municipal representatives, and civil society in a team approach to dispute resolution and problem solving, continued to provide efficient public service. Clerk of Court offices, established in 1999, streamlined case processing, increased transparency, improved customer service, and virtually eliminated the phenomenon whereby one could bribe a court official to "lose" a case file. An analogous system was inaugurated in Guatemala City in the Prosecutor's Office Case Intake Unit. A modernized intake system reduced the average waiting time for filing a complaint from several hours to approximately 10 minutes. In 2001 a new Prosecutor's Office Victim's Unit also was inaugurated in the capital, with doctors and nurses on call 24 hours a day to assist rape and other crime victims and to gather evidence for their cases (*see* Section 5). These units have been extended to every department of the country.

Despite some progress, much remains to be done to reform the judiciary and establish effective rule of law, as mandated by the Peace Accords. The National Commission for the Strengthening of Justice, created following the Peace Accords, announced a strategic plan in 2001 to refine the roles of justices of the peace, institute reforms to the penal code, and reduce duplication of work in the criminal labs run by the police, the Public Ministry, and the judiciary. Much of the plan has yet to be implemented.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of home, correspondence, and private documents. However, allegations persist that the authorities sometimes disregard these provisions. Elements of the military, specifically the EMP and the Directorate of Military Intelligence, reportedly continued to monitor private communications. During the year, most human rights organizations reported surveillance or telephone anomalies that suggested wiretapping (*see* Section 4). In August the recently elected Human Rights Ombudsman also discovered that his office was being monitored. Although authorities announced their intent to investigate, no culprit was named. There was no progress in the Public Ministry's 2001 case against Colonel Juan Valencia Osorio, former director of security of the EMP, for spying. On October 3, a court found Valencia guilty of ordering the murder of Myrna Mack in 1990 and sentenced him to 30 years' imprisonment (*see* Section 1.a.).

The military continued to honor the 1994 presidential order to suspend all conscription, including forced recruitment, as the armed forces found it relatively easy to recruit young male volunteers from impoverished areas using pay and education incentives.

During the year, there were several reported cases of government employees being forced to make contributions to the ruling party, the FRG, as well as become party members, to obtain or keep their jobs. For example, on February 1, 14 road workers were notified that their work contracts were cancelled for refusing to make a monthly payment of approximately $13 (100 quetzales), or two and one-half days' wages, to support the FRG.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression, and the Government generally respected this right in practice; however, there were numerous credible reports that members of the press were targets of anonymous threats and intimidation. Self-censorship was common and took the form of individual decisions not to speak out or testify or media decisions not to report certain issues.

On August 16, the scheduled trial of Bruce Harris, director of Casa Alianza, was suspended after the 12th Criminal Court excused itself from hearing the case. Attorney Susana de Umana filed a defamation case against Harris in 1997 after the results of an investigation conducted by the Attorney General into anomalies in 18 adoption cases, one of which de Umana had processed, were made public. Harris filed several appeals, but in 1999 the Constitutional Court ruled that Harris did not enjoy the right to free speech, as he was not a journalist. The U.N. High Commis-

sioner for Human Rights, Mary Robinson, expressed concern over the progress in the case and the apparent restriction on freedom of expression.

In addition to regular and open criticism of government policies, the print media publicized communiques from human rights organizations, unions, and groups opposed to the Government or its policies. The press criticized the military and other powerful sectors. The press also regularly published stories on reputed drug traffickers, official corruption, and clandestine intelligence networks. There are seven major dailies published in the capital and approximately six local papers published outside the city.

The Government prepared public information programs that the radio and television stations were required to broadcast. The Government holds the rights to two national (VHF) television channels; however, neither broadcast any programs during the year. In March President Portillo announced a plan to turn over Channel 5—nominally assigned to the army—to an institution representing civil society. In June the Government selected the Catholic Church to take over the channel; however, in July the Church declined the offer, saying its leaders lacked time and expertise to manage a television operation.

Despite its Peace Accords pledge to enact reforms to the Radio Communications Law to make radio frequencies available for indigenous communities, the Government instead created a public auction system for radio frequencies. Commercial operators generally outbid community groups, thwarting community access. Responding to complaints by commercial operators that some community stations were unlicensed "pirates" interfering with licensed frequencies, in February the Superintendency of Telecommunications announced a plan to fine and/or shut down unauthorized frequencies. In response, members of the Guatemala Council of Community Media appeared before Congress to ask for a guarantee that 25 percent of available frequencies would be assigned to community radio stations. Negotiations continued at year's end.

All four of the country's national television stations are owned by a Mexican citizen, Angel Gonzalez, who plays a significant role in politics. These channels were criticized strongly as being monopolistic, pro-government, and interested in broadcasting only uncontroversial news.

In March the President's Commission for Human Rights (COPREDEH) published the book "She Who Never Kept Silent," a collection of the writings of journalist Irma Flaquer who, before she was kidnaped in 1980, published a column titled "What Others Conceal" that was critical of atrocities committed during the conflict. In April the Government paid a settlement of approximately $231,000 (1.8 million quetzals) to Flaquer's family. Publication of the book and the payment were stipulated as part of a 2001 settlement negotiated between the Government, the Inter-American Press Society, and Flaquer's survivors. There was no progress, however, in the investigation of the case, which was reopened by a special prosecutor in December 2001.

Death threats against journalists and other citizens critical of corruption were reported widely throughout the country. In December 2001, an editorial columnist for national daily "Siglo Veintiuno" left the country after receiving numerous e-mail and telephone death threats for his criticism of the Government.

On June 7, four journalists received a written anonymous death threat. The letter was addressed to a total of 11 individuals who are active in the promotion of respect for human rights (*see* Section 4).

Investigations continued in the September 2001 shooting death of Mynor Alegria Almendaris, host of Direct Line, a call-in program on Radio Amatique, in Puerto Barrios, Izabal. Alegria had accused officials and port authorities at Puerto Santo Tomas and the town of Puerto Barrios of embezzlement, bribery, and other abuses. On January 16, witness Erik Duarte accused the Mayor of Puerto Barrios, Mario Chigua Gonzalez, of having contracted Alegria's murder. On January 24, police detained Alegria's ex-girlfriend Olga Linares and her sister, Rosa, as possible accomplices. On April 19, a court revoked Chigua's immunity so he could be subjected to trial. In May Duarte retracted his statements, reported being threatened, and claimed that he was pressured into blaming Chigua. On July 2, authorities apprehended Jairo Gomez Sandoval for the murder. In July both Gomez and Duarte then testified that two other individuals, acting Mayor of Puerto Barrios Carlos Cantoral and local businessmen Erik Castaneda, had paid for Alegria's killing. On July 25, police captured a second suspect, Estuardo Orozco. On September 12, the High Impact Court of Chiquimula released Olga and Rosa Linares for lack of evidence.

In August 2001, Congressional deputies Anabella de Leon and Magda Arceo, along with the previous director of the National Printing Office, Sylvia Mendez, accused the director of the office and then and current Vice President Francisco Reyes Lopez of abuse of authority for allegedly ordering government printers to produce flyers

criticizing Jorge Briz, the President of the Guatemalan Chamber of Commerce and a vocal critic of the Government. As a result of the ensuing investigation, the women received numerous death threats and Arceo, Mendez, and numerous other witnesses went into exile. Another witness was murdered on February 15 (*see* Section 1.a.).

In January the Supreme Court suspended a new Law of Obligatory Professional Association that was interpreted as requiring every working journalist to hold a journalism degree, belong to a professional association, and receive a government license. The Supreme Court determined that the law represented a violation of Constitutional guarantees of freedom of expression and association.

The Government does not restrict access to the Internet.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly and the Government generally respected this right in practice. Peaceful demonstrations were common. There were a variety of protests around the country to demonstrate opposition to a variety of issues, for example: corruption by high-level government officials, new taxes, the Government's inability to resolve land conflicts, community water access, and persecution of human rights activists. Among others, the disabled, those suffering from HIV infection, former PAC members, street vendors, and war widows conducted demonstrations.

On January 15, the Guatemalan National Revolutionary Unity Party (URNG) prepared a counter-presentation to the President's report to Congress on the achievements of his first 2 years in office. FRG supporters, who were bussed to the site of the National Congress, arrived and allegedly beat URNG activists, burned their flags, and destroyed their platform. Members of the National Advisory for Youth, led by Juan Pablo Rios, grandson of Congress President and retired General Efrain Rios Montt, reportedly organized the attack and paid a musical group to drown out the URNG's protests. Police did not respond to calls for help. URNG Congressional deputies demanded that the FRG clarify its involvement in the event.

In March former guerrilla leader Alvaro Colom and retired General Otto Perez Molina formed the Civic Movement and organized several marches to protest government corruption. During the first and largest on March 13, the Secretariat of Communication ran a series of paid radio and television announcements discrediting the Movement.

Protests became violent on several occasions. Police generally acted with restraint; however, there were some allegations of unnecessary use of force. On May 23, transit police violently dislodged several food vendors from a street in Guatemala City, destroying tables and personal belongings and clubbing several people. On other occasions, security forces were unable to keep the peace. On June 10, between 5,000 and 20,000 residents of Tecpan, Chimaltenango, protested against the collection of a property tax. Demonstrators damaged several buildings, looted stores, and broke into the police station where they removed weapons and equipment, wounded 13 police officers, and took several hostages before reinforcements dispersed the crowd. On June 11, police arrested five indigenous protest leaders.

On August 22, groups of landless peasants seized highways for 10 hours to pressure the Government into meeting outstanding demands associated with land claims. Commerce was widely disrupted for several hours. The peasants ended the blockage shortly after a government spokesman announced initiatives to convoke dialogue with landowners and seek additional funds for the Government land bank.

The Constitution provides for freedom of association, and the Government generally respected it in practice. However, there were credible allegations that the Government interfered with political associations.

On March 16, not long after completion of the registration requirements for Perez Molina's political party, the Patriot Party, several armed men shot and killed Jorge Rosal, a regional party leader (*see* Section 1.a.).

In April in the space of 24 hours, unknown persons broke into the offices of two opposition parties, the Unified Democratic Left and the Authentic Development parties. Computer equipment, paper files, and a map were stolen, although cash in an office drawer was not.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the Government has not implemented the 1995 Agreement on the Identity and Rights of Indigenous People, which provides for respect of spiritual rights of indigenous people. There is no state religion; however, the Constitution recognizes explicitly the separate legal status of the Catholic Church. The Government does not subsidize religious groups directly. However, during the year commercial radio operators charged that the ruling FRG was giving financial support to evangelical Christian radio stations in different

areas of the country, presumably in exchange for future political support. Members of a religion need not register to worship together. However, the Government requires religious congregations (other than the Catholic Church), as well as other nonreligious associations and NGOs, to register as legal entities to transact business.

While there is no government policy of discrimination, a lack of resources and political will to enforce existing laws and to implement the Peace Accords limits the free expression of indigenous religious practice. Indigenous leaders state that Maya culture does not receive the official recognition it is due. The Government has not provided mechanisms for free access to ceremonial sites considered sacred within indigenous culture, nor has the Government provided for the preservation or protection of such ceremonial sites as archaeological preserves. Some indigenous groups consider the Government's use of sacred sites as revenue-generating tourist destinations to be an affront to their spiritual rights.

There was little progress in the ongoing appeals to the June 2001 sentencing of three military officers to 30-year, noncommutable sentences for the 1998 murder of Bishop Juan Gerardi, the Coordinator of the Archbishop's Office on Human Rights (ODHAG) (*see* Section 1.a.).

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

Persons attempting to enter the country illegally were often subject to extortion and mistreatment by government officials. Many observers believe this mistreatment is underreported because illegal immigrants almost never have the capacity to lodge formal complaints, either with the authorities or against them, and there is little legal assistance available to such immigrants. The Migrant's House, an NGO, reported that from 1997 to 2001, approximately 40 percent of the migrants they assisted reported some form of abuse.

The Government grants refugee status and asylum in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees from other countries. The issue of the provision of first asylum did not arise. There were no reports of the forced return of persons to countries where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for those 18 years of age and older. Ballots are secret. Members of the armed forces and police may not vote. Since the return to democracy and civilian rule in 1985, there have been nine free elections. International observers concluded that both the November 1999 general election and the December 1999 runoff presidential election were generally free and fair. Lack of transport, onerous voter registration requirements, and the scheduling of elections during the harvest season prevented many poor, indigenous, and rural persons from voting. A significant percentage of the rural poor population lacks the documentation needed to register to vote. Several campaigns exist to document citizens, particularly among the illiterate.

Voters elect the 113-member, unicameral Congress every 4 years using a system of proportional representation based on population, with deputies elected both from districts and from a nationwide list. Voter participation in the 1999 elections was at a 13-year high. Four parties and 2 coalitions won seats in the legislature, led by the FRG with a 63-seat majority, followed by the PAN with 21 seats, the Bancada Unionista with 16 seats, and the New Nation Alliance coalition, which includes the URNG, with 9 seats. Other small parties hold a total of four seats. Congress can and does act independently of the Executive; however, fragmentation along party lines and a weak staff and support structure result in a legislature that is relatively ineffective. Congress increased its relative power and independence under the leadership of FRG President of Congress and retired General Efrain Rios Montt, a former de facto president.

In December 1999, voters elected FRG presidential candidate Alfonso Portillo in a runoff election that international observers characterized as free and fair. He took office in January 2000.

During the year, there were allegations that government officials made FRG membership a prerequisite for government employment and demanded that monthly contributions be made to the party coffers (*see* Section 1.f.).

There are no legal restrictions, and few practical ones, on the participation of women in the political process. In 2001 MINUGUA reported that only 69 percent of women of voting age were registered to vote, and that of this group only 33 percent voted. The major parties nominated and elected fewer female candidates for Congress in the 1999 elections. However, women's participation as voters was the highest ever, despite social traditions that inhibit voting by women. Voters elected 8 women to the 113-member Congress in 1999, and that number increased to 12 as substitutes took the seats of members of Congress recruited to serve in the executive branch. One woman, Zury Rios de Lopez, daughter of Rios Montt, is the Second Vice President of Congress. Women hold two seats on the Supreme Court and one on the Constitutional Court. There were three female ministers in the Cabinet—the Minister for Culture and Sports, the Minister of Communication and Public Works, and the Minister of Economy. Less than 1 percent of the 330 mayors and less than 5 percent of the municipal officials in the country were women.

The Constitution provides for equal rights for indigenous people. Some attained high positions as judges and government officials, but indigenous people still are underrepresented significantly in politics due to limited educational opportunities and pervasive discrimination (*see* Section 5). There are two indigenous members in the Cabinet. While indigenous people make up 60 percent of the population, they represent only 1 of 12 ministers and 1 of 12 presidential secretaries. Of 113 members of Congress, 14 are indigenous. There are 113 indigenous mayors in the country, out of 331 municipalities, including Quezaltenango, the second-largest city. There were two indigenous ambassadors.

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

The Government permits local human rights groups to operate without restriction, and numerous domestic and international groups investigate and report freely on human rights issues; however, during the year, many NGOs and human rights workers received threats or were intimidated by unidentified persons. Senior government officials met with numerous foreign government officials and international human rights monitors. Some government officials, however, questioned the credibility of both domestic human rights workers and international monitors. Many human rights workers believed this public disregard emboldened those who threatened them. While many international human rights organizations and their workers do not enjoy formal legal status, they continue to operate openly.

During the year, there was a marked increase in the number of threats against human rights workers, as well as against journalists and judicial personnel (*see* Sections 1.a., 1.e., and 2.a.). During the year, there were 154 acts of intimidation perpetrated against human rights workers. Most of these acts of intimidation involved anonymous telephonic or written threats, surveillance, and unknown individuals and cars following human rights workers or watching their workplaces or residences. Prosecutors, judges, and witnesses in various human rights cases, notably in the Myrna Mack case, also reported being the targets of various acts of intimidation (*see* Section 1.e.). Some of the attacks showed high degrees of sophistication and technical expertise.

Throughout the year, personnel in the Archbishop's Human Rights Office reported multiple death threats, surveillance, and other acts of intimidation. Some of the victims were those involved in the Gerardi case (*see* Sections 1.a. and 1.e.); others appear to have been targeted for their work putting the Historical Memory Report project in digital format for wider distribution.

On February 21, 11 individuals associated with forensic anthropology teams investigating mass graves from the armed conflict received a very specific and credible death threat. In the months that followed, several of those named in the death threat received intimidating phone calls, were accosted and threatened by armed men, and reported that their homes were under surveillance. At least four individuals fled the country. Also on February 21, a Catholic parish house in Nebaj that forensic teams had used to store equipment was burned to the ground. Experts concluded that it was arson. The parish priest, Rigoberto Perez, actively supported the work of the anthropologists and reported receiving death threats in the months that followed the fire.

On March 3, the Archbishop of San Marcos, Alvaro Ramazzini, received a death threat, presumably from individuals attempting to discourage his work in ministering to squatters who occupied local farms. Two weeks later, unknown persons raided his offices, scattered files, and damaged computer equipment.

On March 7, unknown persons broke into the offices of Casa Alianza and stole the files of 19 street children. A similar break-in had occurred in April 2001, when the files of 12 street children were stolen. Casa Alianza personnel also reported being accosted and threatened on several occasions during the year.

Prosecutors ended an investigation into the July 2001 incident in which an Amnesty International (AI) worker was found tied and gagged in her hotel in Guatemala City. Guatemalan authorities dropped the case after an investigation into a similar allegation in another country involving the same AI worker proved inconclusive.

On March 20, the offices of the Association for the Advancement of Social Sciences (AVANSCO) were broken into, although only a checkbook was stolen. The incident occurred a few days after the presentation of a report on post-conflict power structures linked to the military and former members of the Civil Defense Patrols in Huehuetenango and Quiche. In October 2001, the laptop computer of the report's researcher, Matilde Gonzalez Izas, was stolen from her home. In addition, Gonzalez received telephone threats and reported being followed.

On April 29, Guillermo Ovalle, an accountant for the Rigoberta Menchu Foundation (and nephew of its director), was shot and killed in a cafeteria near the Foundation's offices. While the incident contained some elements consistent with common crime, international human rights monitors did not rule out the possibility of a political motive, as threatening phone calls were made to the Foundation at the time of the killing and unknown individuals were reportedly seen watching the offices (*see* Section 1.a.).

On May 3, Domingo Yaxon, member of the Movement of Young Mayans and CONAVIGUA, was abducted and assaulted after leaving a human rights demonstration in front of the Presidential Palace. Yaxon was questioned about his work, threatened, tortured, and left unconscious in front of a funeral home (*see* Section 1.c.).

On June 7, 11 prominent human rights leaders and journalists received a death threat. The letter was addressed to the "enemies of the fatherland" and accused those listed of tarnishing the country's image with their "nonsensical talk." Human rights groups felt the attack was in retaliation for the focus the June visit of the U.N. Special Rapporteur for Human Rights Defenders had put on the existence of clandestine groups tied to the Government and their responsibility for the assaults against human rights workers.

On July 21, unknown persons broke into the offices of the National Coordinator for Human Rights (CONADEHGUA) and stole computers and communication equipment, as well as paper files relating to CONADEHGUA's research into the military's budget. The perpetrators left behind surveillance photos taken of CONADEHGUA's director (*see* Section 1.f.).

On September 6, the body of another member of CONAVIGUA was found in Joyabaj, Quiche. The body showed signs of torture (*see* Section 1.c.).

In March the Movement for Human Rights, an organization that unites some 25 human rights NGOs in common initiatives, petitioned President Portillo to bring an end to threats against human rights workers, assure their security, and investigate and dismantle the clandestine groups believed to be behind the intimidation. The Movement met with members of the Cabinet three times. While the Secretary for Strategic Analysis recognized the existence of such groups, the Minister of Interior and the presidential spokesperson publicly dismissed his findings. The Government failed to respond adequately to any of the demands, and the Movement announced it would not meet further until results were produced.

On May 29, the newly appointed Attorney General named Tatiana Morales Special Prosecutor for crimes against human rights workers. However, the office suffers from the same lack of resources the rest of the Ministry faces (*see* Section 1.e.).

The IACHR ordered the Government to provide police protection to the victims in the AVANSCO case and the forensic anthropologists. Although the Government complied, there was no significant progress made in any of the investigations, despite the fact that in some cases the police were given the telephone numbers or license plates of the perpetrators of the threats. In other cases, the Public Ministry claimed that effective investigations could not be carried out because the victims could not provide this information or speculate on the identity of the attackers.

MINUGUA reduced its presence significantly in preparation for a 2004 departure, but continued to monitor implementation of the human rights provisions of the Peace Accords and strengthen democratic institutions. MINUGUA stated that the Government generally cooperated with its investigations but cited occasional isolated incidents in which government officials or institutions had obstructed its efforts.

In May Hila Jilani, U.N. Special Rapporteur for Human Rights Defenders, arrived on a fact-finding mission. She noted a climate of fear that terrorized human rights workers. She stated that clandestine groups had become the principal threat to their safety and urged the Government to put an end to impunity and guarantee the protection of human rights workers. She commented on a lack of respect for their work on the part of public officials. President Portillo publicly dismissed Jilani's findings as representing a subjective, personal opinion. During a July visit, Santiago Canton, Executive Secretary of the IACHR and Susana Villagran, IACHR Rapporteur for Guatemala, echoed many of Jilani's concerns, and noted that the IACHR had been presented with more than 130 instances of threats against human rights defenders this year.

In June Congress elected a new Human Rights Ombudsman, Dr. Sergio Morales, from among three candidates chosen by the Congressional Committee on Human Rights. A coalition of more than 70 human rights organizations proposed and endorsed his election, which was considered a victory for civil society. The Ombudsman reports to Congress and monitors the rights provided for by the Constitution. The PDH's rulings do not have the force of law. The budget assigned to the PDH by Congress has historically been inadequate and is less than the amount reserved for the National Soccer Team. Relations between the Human Rights Ombudsman's office and MINUGUA, strained in the past, improved significantly after the start of the Morales' 5-year term in August. Upon the expiration of the MINUGUA's mandate, which is scheduled for 2004, the Human Rights Ombudsman's Office is to assume MINUGUA's human rights verification function.

COPREDEH is charged with formulating and promoting the Government's human rights policy, accepting government responsibility for past human rights abuse cases, and negotiating amicable settlements in those cases before the IACHR. Although some progress was made in completing obligations under prior agreements, such as in the Irma Flaquer case (*see* Section 2.a.), COPREDEH failed, under the conservative leadership of its director, Juan Fuentes Soria, to negotiate any new settlements during the year. In April COPREDEH presented a new executive policy on human rights. Civil society groups criticized the policy for its lack of operational vision and COPREDEH's failure to solicit and incorporate feedback from human rights organizations.

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

The Constitution states that all persons are free and equal in dignity and rights, and that the State must protect the life, liberty, justice, security, peace, and development of all citizens. However, in practice the Government frequently is unable to enforce these provisions, due to inadequate resources, corruption, and a dysfunctional judicial system (*see* Sections 1.c. and 1.e.).

Societal prejudice against homosexuals was widespread. During the year there were at least five killings of homosexual male sex workers. There were no arrests made in any of the killings, and the police who arrived on the scene abused the victims' companions. Oasis, a support organization for homosexuals, characterized the killings as "social cleansing" and claimed that during the year homosexuals were frequently harassed by the police and often subjected to arbitrary detention (*see* Section 1.a.).

Women.—Violence against women, including domestic violence, remained common among all social classes. The 1996 Law on Domestic Violence provides that the Prosecutor's Office, the national police, family courts, legal clinics, and the Human Rights Ombudsman's Office can receive complaints of domestic violence. Domestic violence is defined as "whatever action or omission by direct or indirect means causes damage, or physical, sexual, psychological, or patrimonial suffering" to a person within the family group. The law provides for the issuance of restraining orders against alleged aggressors and obligates the PNC to intervene in situations of domestic violence. Statistics vary significantly. The Prosecutor's Office reported receiving 8,060 complaints of domestic violence against women and children during 2001, 44 percent more than those received in 2000. Only 56 cases were brought to trial with convictions in 38 cases. A study completed in December 2001 by the Andar Foundation found that 77 of every 100 women suffer some form of domestic violence, and that the majority of women are not familiar with the laws that protect them and the institutions that can provide them with assistance. The PDH estimates that for every reported case, there are 10 more that are not reported.

Complaints of spousal abuse continued to rise due, at least in part, to increased nationwide educational programs, which have encouraged women to seek assistance. In 2001 the National Coordinator for the Prevention of Domestic Violence and Violence Against Women (CONAPREVI) released its National Plan for the Prevention of Domestic Violence. In May CONAPREVI reported that the Government had pro-

vided no political or financial support for the implementation of the plan. In June the Network Against Violence Against Women announced that the PDH is the only institution that has adopted a form developed to simplify the process of filing a domestic violence complaint with law enforcement authorities, despite a nationwide promotion effort.

The Law to Prevent and Sanction Intrafamily Violence requires the PNC to intervene in violent situations in the home. In July the press reported that in many cases the police do not respond to calls for help. The Political-Civic Convergence of Women reported that officers who do arrive often chastise female victims for behavior that provokes their husbands' ire. The Program for Prevention and Eradication of Intrafamily Violence, a government program under the Secretariat of Social Work of the First Lady, reported that it receives between 40 and 50 calls a day from battered women and children via its emergency hotline.

The office of the Ombudsman for Indigenous Women, led by Juana Catinac, provides social services for victims of domestic or social violence, as well as mediation, conflict resolution, and legal services for indigenous women. It also coordinates and promotes action by both government institutions and NGOs to prevent violence and discrimination against indigenous women; however, it lacks the human resources and logistical capacity to perform its functions on a national level. Since its creation in 1999, the office has been assigned the same budget each year: approximately $256,000 (1,984,000 quetzals).

Sexual offenses and prostitution continued to increase. The Prosecutor's Office reported receiving 1,550 cases of rape and sexual assault during 2001. A total of 37 cases went to trial, with convictions in 25 cases. In April the Office of Attention to the Victim, a unit within the Public Ministry that offers psychological treatment to individuals who have been sexually abused, reported receiving an average of 67 new cases each month. The penal code does not include a description of sexual assault as a crime.

Victims rarely reported criminal sexual violence, although the number of complaints of such offenses continued to increase significantly. Many observers believed that increases did not reflect an increase in the number of rapes committed, but rather an increased willingness on the part of victims to come forward, greater public confidence in the police, and improved record-keeping of crime statistics. Despite these advances, relatively few rape cases went to court, in large part because police have little training or investigative capacity for such crimes, and because many rape victims were reluctant to report and prosecute such crimes. The law allows a rapist to be exonerated when the victim is at least 12 years old and agrees to marry him, but the Public Ministry must approve the marriage when the victim is below the age of 18.

The law does not prohibit sexual harassment, which is common in the workplace. Female domestic and maquila workers are particularly vulnerable (*see* Section 6.e.). In April four female court employees accused Judge Horacio Castillo Ceremeno, president of the Seventh Sentencing Court, of having repeatedly requested sexual favors. On April 13, the Judicial Disciplinary Board recommended that Ceremeno be fired. On July 25, the Judicial Career Council ordered his suspension for 15 days without pay.

Prostitution is not illegal. There are certain health code requirements for persons engaging in prostitution. The number of prostitutes increased during the year. Although no exact figures were available, the Life of Hope Foundation, which works with female prostitutes, estimated that there are 2,000 prostitutes working in the capital alone. Pimping and inducing a person into prostitution are crimes that can result in either fines or imprisonment, with heavier penalties if minors are involved. Trafficking in women, primarily for the purpose of prostitution, is illegal and a growing problem (*see* Section 6.f.).

The Constitution asserts the principle of equality between the sexes. Nonetheless, in practice women face job discrimination and are less likely to win management positions. The PDH estimates that women generally receive significantly lower pay than men; in many cases one quarter of the salary for the same work. Some women were subjected to preemployment pregnancy tests. Women are employed primarily in low-wage jobs in the textile industry, agriculture, retail businesses, and the public sector. More women than men are employed in the informal sector of the economy, where pay and benefits generally are lower. Women may own, manage, and inherit property on an equal basis with men.

More than half of indigenous women are illiterate. More than 50 percent of urban girls and 81 percent of rural girls drop out of school. According to the 2000–01 National Survey on Living Conditions, 70 out of every 100 adult women have never received formal education. In a 2001 study of human development, the UNDP re-

ported that overall government spending on women's programs over the previous 3-year period was 0.5 percent of the national budget.

The Secretariat for Women's Affairs operates under the direction of the President, advising him on the coordination of policies affecting women and their development. The Secretariat's National Policy for the Promotion and Development of Guatemalan Women and Plan for Equal Opportunity 2001–06 identified and prioritized areas of critical need for women, such as access to health care and education to protection from domestic violence, but suffered from a lack of resources. During the year, it primarily focused on developing inter-institutional cooperation with existing programs.

In August the first 4 female SAAS civilian security agents graduated among a class of 64. During the year, there were 38 women out of a total of 404 students enrolled in the country's military academy. Ten percent of police officers are female.

Children.—The Constitution charges the Government with protecting the physical and mental health, as well as the moral well-being, of minors. However, despite these provisions, the Government does not devote sufficient resources to ensure adequate educational and health services for children. Government spending on health remained stable, at approximately 1.6 percent of the country's GDP, while marginally increased resources were devoted to education, at approximately 2.6 percent.

A 2000 MINUGUA report found that 51 percent of the population is under 18 years of age. Of this group, 83 percent live in poverty.

The Constitution provides for compulsory education for all children up to the sixth grade. However, less than half the population actually receives a primary education, and only 3 of 10 students who begin primary school complete it. According to MINUGUA, one-fourth of all children do not attend school and 63 percent of those are indigenous girls. The average child receives 2.2 years of education. However, among indigenous children, the average drops to 1.3 years. Children in rural and indigenous areas are less likely to complete primary school. The Ministry of Education attempted to improve these statistics during the year by granting special scholarships to girls and working or orphaned children.

In December 2001, the Ministry reported that the overall level of school attendance had increased from 30 percent to 44 percent. On August 7, the Center for National Economic Investigation (CIEN) released a report on the progress of educational reform. The report recognized the Ministry's attempt to increase the number of children enrolled in primary school and promoted to middle school, but noted that dropout rates had increased; the high rate of illiteracy among women remained unchanged; and a very low percentage of resources was assigned to post-primary levels.

Since August 2001, a country-wide hunger crisis brought on by drought, the fall in coffee prices, and an overall lack of economic development claimed the lives of more than 100 children. An emergency census completed by UNICEF in 2001 reported that 14 percent of children suffered from acute and 71 percent from chronic malnutrition. Public health analyses showed that 60 percent of the cases of infant mortality and 76 percent of the cases of maternal mortality were preventable through attention to basic health and environmental measures that have been neglected. The Peace Accords, recognizing the systematic violation of children's right to health, called for a 50 percent reduction in infant and maternal mortality and a 50 percent increase in public health spending. Health coverage has increased since the signing of the Accords, but government commitments have begun to taper off. Approximately 1,340,000 women and children did not have access to basic health services during the year. Government resources devoted to public health decreased during the year. During the year, 7 percent of the National Budget was devoted to the health sector, compared with 10 percent in 2001.

Most estimates indicated that reports of child abuse continue to increase, although there are few statistics available to measure the problem. The Public Ministry reported 1,267 cases of child abuse in 2001, as compared to 1,126 cases in 2000. The majority of victims were between the ages of 2 and 10. A Permanent Commission for Children and Youth investigates cases of child abuse. The Social Secretariat for the Welfare of Children has oversight for the children's welfare programs, treatment and training for children, and special education assistance for children. The Secretariat provides shelter and assistance to children who are victims of abuse. However, due to lack of resources, these children sometimes are placed with other youths who have committed crimes (*see* Section 1.c.). In July the Minor's Court inaugurated the first educational program for parents whose children have been placed under protective status by the court in cases of parental abuse. The free, 4-month program offers training in human rights, self-esteem, drug abuse prevention, and domestic and sexual abuse. Thirty parents registered for the first ses-

sion, and the court plans to offer the program on a year-round basis beginning in January 2003.

On February 8, the courts convicted prominent businessman Alfonso Ibarguen of multiple counts of rape of two girls in 1999, then aged 6 and 9, and sentenced him to 40 years' imprisonment. Marco Veliz, the children's stepfather, who delivered the children to Ibarguen in exchange for cash payments, was sentenced to 109 years. The two men were ordered to pay the victims a total of approximately $320,000 (2.5 million quetzals). During the investigation and trial, Veliz and Ibarguen threatened the children's mother on several occasions, and she fled the country upon conclusion of the case.

On August 20, the outgoing Human Rights Ombudsman censured three priests who were accused of sexually abusing four children. The Catholic Church announced its intention to form a commission to investigate the incidents.

On April 5, authorities intercepted 7 public transport buses with 53 Salvadoran children who were being illegally smuggled to the United States. The authorities eventually assisted with an international operation that successfully broke up a smuggling ring originating in El Salvador.

Child labor is a problem. UNICEF estimates that 34 percent of all children work. The Government defines the "economically active population" as beginning at age six. In 2001 the Government initiated a program to eliminate the worst forms of child labor; however, the problem persists (*see* Section 6.d.).

The internal conflict left approximately 200,000 orphans throughout the country. Approximately 10,000 children are members of street gangs. Credible estimates put the number of street children at 6,500 nationwide, with about 4,000 of these youths concentrated in Guatemala City. More than 450 children have disappeared since 1996.

Abuse of street children remained a serious problem (*see* Section 1.c.). Casa Alianza estimated that the average age of a street child has dropped over the last 10 years from 13 years of age to 7. The average life expectancy of a street child is 30 years. The majority of street children ran away from home after being abused. Criminals—reported to include private security guards and corrupt police or military personnel—often recruited these children into thievery or prostitution and drug rings. In February Casa Alianza reported that between 1990 and 2001, an average of five street children were murdered each year. There has been little or no investigation in 80 percent of the cases. Individuals, private security guards, and other street children—not police or other government forces—committed most violence against street children. On June 20, unknown individuals shot and killed three children and wounded three others who were sleeping on a corner. On August 15, two men threw rocks at a street child who was sleeping on the roof of a market stall, crushing her skull. Social cleansing was a possible motive (*see* Section 1.a.). No arrests were made. On May 16, the Protection of Children and Youth Forum launched a public awareness campaign aimed at educating the populace about the societal ills that contribute to the problem of street children.

The Government and a number of NGOs operate youth centers; however, the funds devoted to them are not sufficient to alleviate the problem. The Government maintains one shelter each for girls and boys in Guatemala City. These shelters provide housing for the homeless and incarceration for juvenile offenders.

In February the U.N. Special Rapporteur on Children in Armed Conflicts, Olara Otunnu, expressed concern over the low level of state resources devoted to education, health, and nutrition for children. Otunnu also urged stronger government participation in the National Commission for the Search for Disappeared Children (*see* Section 1.b.).

On May 16, the Constitutional Court ordered Congress to set a date for the new Minor's Code to take effect. Casa Alianza and members of the Movement for Children had filed an injunction questioning the constitutionality of the February 2000 Congressional suspension of the implementation of the code. Congress, arguing that time was needed to develop the infrastructure for implementation, set an implementation date of December 1, 2003.

Persons with Disabilities.—The Constitution provides that the State should protect persons with disabilities; however, persons with physical disabilities suffer discrimination in education and employment practices, and few resources are devoted to combat this problem. The PDH estimated that the disabled population is 1.7 million. These individuals have limited access to health care, recreational facilities, and work opportunities. Educational resources for those with special needs are scarce and the majority of the universities are not handicapped accessible. The National Hospital for Mental Health, the dominant health care provider for persons with mental illness, lacks basic supplies and equipment. Patients suffer from unhygienic living conditions and a shortage of medical professionals. Reports of sexual abuse

by the staff are common. In June the press reported that only 30 percent of disabled children receive support from the Ministry of Education, which employs 150 teachers trained to work with the 4,500 children with disabilities who are registered in public schools. During the year, the Education Ministry began a public awareness program in public schools to overcome teachers' resistance to attendance by disabled students.

In 1996 Congress passed the Law for Protection of the Elderly and the Law on Attention to Disabled Persons, which mandates equal access to public facilities, prohibits discrimination based on disability, and provides other legal protections. The law defines a person with disabilities as one whose physical, mental, or emotional deficiencies limit performance of normal activities. It stipulates equal opportunity for persons with disabilities in health, education, work, recreation, sports, and cultural activities. It also provides that all persons with disabilities receive the benefits of labor laws and social security and have the right to work. In addition, the law establishes equal educational opportunities, the requirement that buildings meet access codes, and the right to equal pay. Government efforts to implement the legislation have been weak. While the National Council for the Disabled (CONADI), composed of representatives of concerned government ministries and agencies, met regularly to discuss initiatives, no resources have been devoted to the implementation of their recommendations. CONADI's petition for a permanent budgetary allocation from the Government was rejected. CONADI organized protests to demand that the Government follow through on its commitments to provide access to public institutions, spaces, and transit.

Indigenous Persons.—The Constitution states that the country is composed of diverse ethnic groups and obliges the Government to recognize, respect, and promote the lifestyles, customs, traditions, social organization, and manner of dress of indigenous people.

Indigenous people constitute more than half the population; however, they remain largely outside the country's political, economic, social, and cultural mainstream. A 2000 U.N. report stated that 73 percent of indigenous persons, and 72 percent of those living in rural areas, faced an institutional lack of economic possibilities and limited access to basic services. According to UNDP, 90 percent of the indigenous are poor. The 1994 census, the most recent, found that 43 percent of the population is indigenous. However, most observers believe that this figure is low, and that indigenous people constitute a majority of the population. There is no single indicator of indigenous status, and there are at least 22 separate Mayan ethnic groups, each with its own language. In addition to the indigenous Mayan groups, there is an indigenous Xinca community of some 6,000 persons. The Garifuna, descendents of Africans brought to the Caribbean region as slaves who later migrated to South and Central America, are a separate minority group.

In 2000 when the Government designed a new 2000–04 timetable for the implementation of the Peace Accords, it was clear that the majority of the provisions regarding indigenous rights were incomplete. Among the initiatives still pending are educational reforms that include bilingual and intercultural components, promotion of the use of indigenous languages, and the conservation and protection of ceremonial sites. On April 3, MINUGUA released a public statement lamenting the minimal advancement in the implementation of the Accord on Indigenous Rights 7 years after its signing.

Indigenous people were the most frequent victims of extrajudicial killings and other serious human rights abuses during the internal conflict. The commissions established to discuss the implementation of constitutional provisions relating to indigenous rights met during the year to formulate recommendations to the Government regarding protection of indigenous culture, languages, traditions, lands, and sacred sites. Indigenous people continued to organize themselves into interest groups to promote bilingual education, women's rights, and community development. Politically, the indigenous groups remained disunited, and there was little agreement among the groups on common goals or strategies to increase their political representation and power.

Rural indigenous people have limited educational opportunities and fewer employment opportunities. For this reason, indigenous men constitute a very high percentage of the military's ranks. Many indigenous people are illiterate or do not speak Spanish. A disproportionate number of indigenous girls do not attend school. The Government has devoted few resources to bilingual education, and the Ministry of Education has yet to implement the recommendations made by the Commission on Educational Reform. CIEN noted in its annual report on educational reform that some 900,000 children between the ages of 6 and 12 speak an indigenous language. Nevertheless, only 22 percent of this population received bilingual instruction. Only 12 percent of all teachers are bilingual. Since 1999 there have been no reports of

schools denying children the right to wear traditional indigenous dress, a common complaint under the previous administration. However, on June 5, an indigenous leader was denied entrance to a restaurant in Guatemala City because she was wearing traditional dress. The owner of the establishment made a public apology and fired the offending employee, but indigenous groups cited the case as an example of the discrimination the indigenous face daily. The victim announced her intent to submit the case for consideration to the IACHR as an example of the historical, institutional, and structured racism that exists in the country. The Human Rights Ombudsman issued a moral condemnation to the restaurant's owner and recommended that Congress promote laws prohibiting and punishing all forms of discrimination.

Indigenous people arrested for crimes often are at a disadvantage due to their limited comprehension of Spanish. The Criminal Procedures Code states that the courts must provide interpretation for anyone requiring such services during criminal proceedings. Despite this, reports continued that indigenous people did not have equal access to the justice system. The Public Ministry concentrated 18 interpreters in former conflict areas of the country, and the Public Defender's Office employed 6 bilingual public defenders and assigned them to areas where they could serve as translators in addition to defending their clients. The Government made efforts to recruit justices of the peace who are bilingual in Spanish and an indigenous language. However, in 561 tribunals around the country there are only 62 judges who speak Mayan languages, and 22 court interpreters. Only 14 percent of police officers are indigenous. Better efforts were made to assign these officers to towns where their language skills can be put to use. Approximately 75 percent work in the geographic area of their particular linguistic competency.

In his December 2001 report, the U.N. Special Rapporteur on the Independence of Judges and Lawyers noted that access to justice for the indigenous community is "seriously defective" (*see* Section 1.d.). He specifically recommended that the Government take steps to incorporate indigenous custom and practice into national laws. On August 8, the Attorney General signed an accord promising to improve access to the justice system for the indigenous. Among the initiatives was the establishment of a Special Prosecutor for Indigenous Peoples to focus on cases of discrimination.

In July more than 25 representatives from civil society formed the National Roundtable Against Racism with the purpose of fostering an open, public debate on the problem and to seek solutions. Also in July, Mayan Defense, an NGO, began a 3-year education campaign to combat racism and discrimination. Again in July, various indigenous women leaders demanded the cancellation of the Rabin Ajau, an annual beauty contest among indigenous women that has taken place for 33 years and that receives government support. Previous participants and winners of the contest took part in the protest, explaining that the event had no roots in Mayan culture and that contestants were humiliated and prevented from speaking freely during the pageant.

In May the U.N. Special Rapporteur on Human Rights Defenders visited and expressed her concern over the increasing vulnerability of indigenous leaders to attacks (*see* Section 4). In September the U.N. Special Rapporteur for Indigenous Rights visited and commented that racism in country is "latent". On July 29 and 30, Pope John Paul II visited the country. In his public remarks, he lamented the situation of the indigenous and affirmed their right to respect, justice, and peace.

On October 3, the Government settled the century-old Los Cimientos land dispute. The Quiche community was relocated to a farm in Escuintla with $3 million (23,250,000 quetzals) from the Presidential Secretariat for Agrarian Affairs. This resolution took place over a year after the Quiches had been forced out of Los Cimientos and into refugee camps in June 2001 by ex-civilian patrollers from their rival indigenous group.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide workers with freedom of association and the right to form and join trade unions. However, in practice the Government does not enforce effectively labor laws to protect workers who exercise their rights. All workers have the right to form or join unions, including public sector employees, with the exception of members of the security forces. Approximately 3 percent of the work force is unionized. The Government does not control unions. There is no state interference in union activities; however, some believe internal intelligence services may monitor the activities of some politically active union leaders. In 2001 the Congress passed two sets of reforms to the national Labor Code that an International Labor Organization (ILO) direct contact mission noted "constitute a significant step forward in the application of Conven-

tions Nos. 87 (freedom of association) and 98 (right to organize and bargain collectively), in that they repeal or amend many of the provisions criticized by the Committee of Experts." The reforms redefined the mission of the Labor Ministry from exercising "strict oversight to ensure unions operate legally" to guaranteeing "the free exercise of union rights." The reforms also permitted industrial or sectoral unions. Legal recognition of a new industrial union now requires that the membership constitute one-half plus one of the workers in an industry. Labor activists consider this requirement a virtually insurmountable barrier to the formation of new industrial unions.

The 2001 reforms accord initial jurisdiction over labor law violations to the Labor Ministry and set forth procedures for processing complaints, making initial determinations, and fining violators—new enforcement powers previously reserved to the labor courts. The Ministry of Labor may levy substantial fines for violations of labor rights; the Ministry claims to have levied more fines since May 2001 than the labor courts have collected in the 50 years of their existence. However, individual fines are generally low because companies can challenge Ministry fines in the labor courts. The labor inspection system remains ineffective and corrupt, despite continuing efforts at improvement. Low pay, the lack of a strong ethic of public service, and ineffective management prevent the Ministry from providing effective service.

Retaliation, including firing, intimidation, and sometimes violence, by employers and others against workers who try to exercise internationally recognized labor rights is common and usually goes unsanctioned. The ILO's Committee on Freedom of Association continues to monitor about a dozen allegations of serious violence between 1995 and 2000 against individuals for unionizing activities that lack credible investigations, prosecutions, or trials. In April 2001, an ILO Direct Contact Mission visited to investigate lack of progress in those investigations. In June 2001, the Public Ministry assigned a Special Prosecutor for Crimes Against Unionists and Journalists to review these and all new cases involving union members. Since its inception, the Special Prosecutor's Office accepted 80 cases involving union members, 31 of which remained under investigation at year's end. Only two suspects have been brought before a judge and one person has been detained. The remainder of the cases were found to be without merit by judges or by the Prosecutor's Office. Arrest warrants have been issued in only two cases. In October MINUGUA reported that labor leaders and unions had received 288 threats against them from January 1, 2000-September 15, including 158 death threats; 4 killings of unionists were registered during that period. Another such killing occurred in November.

The most common violation of freedom of association is the dismissal of workers for unionizing activity. Some workers who suffer illegal dismissal take their case to the labor courts and win injunctions of reinstatement. Appeals and re-appeals by the employers, along with legal ploys such as re-incorporation as a different entity, often prolong proceedings for years. The labor courts generally do not dismiss frivolous appeals, nor are their decisions enforced. According to Labor Ministry officials, the labor courts vindicate the majority of workers' claims against employers. However, employers comply with the court decisions in only a small number of cases, creating a climate of impunity. Often employers are not disciplined for not complying with legally binding court orders.

For example, in 1998 foreign firms contracted with DYMEL, S.A. to build a coal-fired power plant near San Jose, Escuintla. During construction of the plant, DYMEL's workers, most contracted for the duration of the construction phase of the project, formed a union. DYMEL then fired 72 union organizers without required court permission. The workers went to court and won a judgment reinstating them with back pay. After appeals by DYMEL, the verdict was upheld by the Constitutional Court in May 2001. Meanwhile, DYMEL had completed the project, reorganized to shelter itself from claims, and moved assets and operations to El Salvador. The workers began a sit-in on the doorstep of the presidential offices in late November 2001. In October the workers and DYMEL negotiated a financial settlement of worker claims. On October 7, 71 workers received a monetary reward to cover back wages and lawyers' fees.

Throughout the economy, employees were reluctant to exercise their right of association for fear of reprisal by employers. Workers had little confidence that the responsible executive and judicial institutions would effectively protect or defend their rights if violated. In addition, the weakness of labor inspectors, the failures of the judicial system, poverty, the legacy of violent repression of labor activists during the internal conflict, the climate of impunity, and the deep-seated hostility of the business establishment toward independent and self-governing labor associations constrained the exercise of worker rights. In 1999 MINUGUA's Fourth report on the Peace Process noted that "genuine trade union freedom does not exist" due to anti-union violence. It also reported a significant gap between the problems regarding

workers' rights and the resources applied by the Government to solving these problems.

Nobody has been charged for the December 2001 murder of Baudilio Cermeno Ramirez, the Organization Secretary of the Light and Energy Union.

Investigation of the 2000 killing of Oswaldo Monzon Lima, the secretary general of a fuel drivers' union, continues without results.

Labor leaders reported receiving death threats and other acts of intimidation. In its September report on human rights, MINUGUA reported threats to the head of the immigration workers' union and the UNSITRAGUA labor federation, as well as the attempted shooting of the leader of the municipal workers union of Nueva Concepcion, Escuintla. On November 27, the bodies of Carlos Francisco Guzman Lanuza, the Secretary General of the Municipal Employees Union of Nueva Concepcion and leader of a union of South Coast workers, and his brother were discovered on a highway near Nueva Concepcion, Escuintla province. They died from multiple bullet wounds. According to MINUGUA, since 2001 Nueva Concepcion had been plagued by violence from armed groups associated with the mayor, Augusto Linares Arana. The investigation of the case by the Special Prosecutor for Crimes Against Unionists had produced no arrests at year's end. The General Central Union of Guatemalan Workers (CGTG) described death threats and other forms of intimidation received by a member of the municipal union of Chichicastenango, another member of commercial workers' union of Chichicastenango (both from municipal officials), by two leaders of the Professional Heavy Truckers Union, and by the leader of the municipal union of Puerto Barrios. On May 13, the adult son of the leader of the National Federation of Public Servants (FENASEP) was killed in the capital. The CGTG claims that none of these acts has been investigated adequately.

An active "solidarismo" movement claims to have approximately 170,000 members in about 400 companies. Unions may operate legally in workplaces that have solidarity associations, and workers have the right to choose between the two or to belong to both. The Government views these associations as civic organizations that need not interfere with the functioning of trade unions. The Labor Code stipulates that trade unions have an exclusive right to negotiate work conditions on behalf of workers. However, unions charge that management promotes solidarity associations to avoid the formation of trade unions or to compete with existing labor unions. Representatives of most organized labor groups criticize these associations for not permitting strikes, having inadequate grievance procedures, and for displacing genuine, independent trade unions with an employer-dominated structure. There were credible reports that some associations did not adhere to democratic principles.

The administrative process for unions to obtain legal status has been simplified over the past decade. In 1996 the Ministry of Labor reduced the number of steps needed to adjudicate union applications and mandated a deadline of 20 workdays for reaching a decision. Labor Code reforms adopted in 2001 authorized the Labor Ministry to establish a free legal assistance service for workers who desire to unionize, contained provisions designed to simplify further the Ministry's application and recognition process, and strengthened union members' ability to demand transparency in union activities. In 2001, the last year for which complete official data is available, the Labor Ministry granted legal status to 48 unions. At the end of 2001, there were 1,481 registered unions (742 considered "active"), with 119,471 members. Unofficial sources claim that by mid-year, that number had increased to 1,506 registered unions with 120,953 members.

The registered unions were generally independent of government and political party domination.

The two unions at the Choi Shin/Cimatextiles maquila plants where anti-union violence occurred in July 2001 have not been able to achieve membership of 25 percent of workers to compel collective bargaining. During the year, management claimed to have instituted voluntarily a process of regular dialogue with the unions to prevent further conflicts.

Many violations of the right of association and other labor rights occurred in the public sector. In September 2001, MINUGUA highlighted cases of intimidation, threats, and illegal firings of municipal workers by public officials in Cuilapa, Santa Rosa; Guastatoya, El Progresso; Tecpan, Chimaltenango; and La Gomera, Escuintla. In addition, the management of Ministry of Health hospitals in the capital and in Cuilapa, Santa Rosa refused to recognize union leaders or tried to replace them with others, and the Ministry had not complied with terms of a collective bargaining agreement negotiated by the previous administration. In its September human rights report, MINUGUA verified anti-union practices within the Office of the Comptroller General, who spoke openly of his intention to dismantle two unions. In August doctors in the major public hospital in the capital stopped work and forced the Social Security Institute to agree to pay back wages with increases.

The Labor Code provides for the right of employers to fire union workers for cause, permits workers to appeal their dismissal to the labor courts, and requires the reinstatement within 24 hours of any unionized worker fired without cause. The Labor Code also prohibits employers from firing any member of the executive committee of a union and also protects them for 12 months after their terms end. An employer may fire a member of the union's executive committee for cause only after a trial in a labor court and issuance of a court resolution. Even in clear-cut cases of illegal firings, labor laws have not been enforced adequately.

Despite governmental, bilateral, and multilateral efforts to restructure and modernize the labor court system, the system remained ineffective. There are 20 labor courts; 7 in the capital and 13 located elsewhere around the country. An additional nine courts address labor issues, primarily appeals, as part of their jurisdiction. The weakness of the judicial system as a whole, the severe shortage of competent judges and staff, a heavy backlog of undecided cases, and failure to enforce effectively court rulings all contribute to the labor courts' lack of credibility and effectiveness. The small number of competent and motivated labor inspectors and the lack of training and resources devoted to detecting and investigating Labor Code violations compound the weakness of the labor courts. UNICEF, the ILO, and MINUGUA continue to urge the Government to speed up the administration of justice to ensure the strict enforcement of labor laws. In 2001 MINUGUA singled out the Third Judge for Labor for egregious delays in legal procedures stemming from a dispute involving a bank workers union dating to 1997. The judge took more than 3 years to convoke the parties before a conciliation tribunal, which should have taken place within 36 hours.

Government efforts to improve the labor inspection system, begun in 2000, continued with international support. After substantially expanding the size of the inspector corps in 2000, the Ministry of Labor increased its rate of inspections and fired some incompetent or corrupt inspectors. The Ministry also launched with MINUGUA assistance a permanent training program for inspectors, created new individual performance indicators for inspectors, began to computerize inspection reports, cooperated with an ILO study on inspection norms, and enlisted union and employer support for the creation of national and departmental consultative councils to discuss Labor Inspectorate operations.

Under the revised Labor Code, complaints can be heard at the Ministry of Labor rather than requiring that inspectors travel to each work site. The Ministry also instituted a set of complaint assistance, small claims mediation, and information-providing initiatives designed to provide better services to workers. The Ministry continued its educational campaign on worker rights (especially the rights of minors and women), which included a campaign of radio spots and the provision of some educational materials in indigenous languages. In an effort to improve enforcement of the Labor Code outside the capital, the Ministry of Labor continued to decentralize its operations. Seven of the Ministry's offices have been accorded regional authority. These regional offices, in addition to labor inspectors, also include specialists in women and workplace issues, management-worker relations/conflict resolution, and minor workers/child labor issues. The Labor Ministry plans to give these regional offices supervisory authority over branch offices in the departmental capitals of each region.

MINUGUA and the Human Rights Ombudsman's office of the Defender of Worker Rights take complaints related to violation of internationally recognized worker rights. The Human Rights Ombudsman's Office can investigate union complaints and issue a statement; however, the office has no enforcement powers beyond attempting to resolve the situation through publicity and persuasion. The Ombudsman made public statements about labor conditions in various sectors of the economy.

Unions may and do form federations and confederations and affiliate with international organizations.

b. The Right to Organize and Bargain Collectively.—Workers have the right to organize and bargain collectively. However, the small number of unionized workers limits the practice of collective bargaining. The prevailing business culture ignores labor contracts because, in practice, they are largely unenforceable due to the weak, cumbersome, and corrupt legal system. Labor Code reforms adopted in 2001 reduced from two-thirds to one-half plus one the number of union members required to approve a collective bargaining agreement. The ILO Committee of Experts had called for this change. The ILO also noted other reforms necessary to provide for full exercise of the right to organize and bargain collectively.

Other factors limiting the practice of collective bargaining include the requirement that 25 percent of the workers in a factory or business must be union members for collective bargaining to take place, lack of experience, and management's

aversion to sharing power with workers. Management and labor honored collective contracts at some firms. In others, management, and sometimes labor, chose to ignore selected provisions of binding collective bargaining agreements. According to the Ministry of Labor, 22 collective bargaining agreements were registered in 2001. A total of 144 agreements were reached between 1997–2001, according to the most recent official data. The greatest number of agreements were reached in the social services (44) and industrial manufacturing (43) sectors. Most workers, even those organized in trade unions, do not have collective contracts documenting their wages and working conditions, nor do they have individual contracts as required by law. According to a 2000 study by the Association for Research and Social Studies, only 10 percent of workers have a contract duly registered with the Labor Ministry as required by law.

A February government decree prohibits the executive branch from allowing any salary or other monetary benefits to increase under any collective bargaining agreement. Labor groups have criticized this policy and vowed to challenge its constitutionality under ILO Convention 98.

The Labor Ministry has worked to promote the restructuring of labor relations in enterprises by encouraging labor-management cooperation and to bring about a "culture of negotiation" as called for by the Peace Accord on Socioeconomic Aspects and the Agrarian Situation. Despite these efforts, productive, good faith negotiations between employer and worker representatives have been the exception rather than the rule. The majority of unions that engaged in collective bargaining during the year reported that some employers continued to reject the underlying premise of collective bargaining—that power in the workplace can be shared according to a contract between the employees and company management for the benefit of both.

The law protects workers from retribution for forming unions and for participating in trade union activities, but enforcement of these provisions is weak. Many employers routinely seek to circumvent Labor Code provisions to resist unionization. An ineffective legal system and inadequate penalties for violations have hindered enforcement of the right to form unions and participate in trade union activities in the past and perpetuates the violence that workers face if they attempt to exercise their rights.

The Labor Code prohibits employers from firing workers for union organizing and protects them from being fired for 60 days following notification to the Labor Ministry that a union is being formed. Thereafter, they can be fired for cause, unless they are members of the union's executive committee. During labor conflicts, unions frequently seek a labor court injunction, which prohibits firing without approval of a judge until the conflict is resolved (277 such injunctions were filed in 2000, according to the most recent official data). Although the Labor Code provides that workers fired illegally for union activity should be reinstated within 24 hours, in practice employers have filed a series of appeals or simply defied judicial orders for reinstatement. The Labor Code reforms adopted in 2001 significantly increased by 10 to 50 times the minimum monthly wage-penalties for defying such orders. However, effective utilization of these enhanced enforcement powers of the Ministry of Labor has proved difficult. The Labor Ministry, and its corps of labor inspectors in particular, continues to suffer from a lack of respect from employers, inadequate resources, and corruption (*see* Section 6.a.). The Labor Ministry reported issuing 4000 fines to 202 employers, totaling $70,279 (544,665 quetzals). According to the Ministry, this total of fines on employers amounts to ten times what the labor courts had issued in the past 50 years of their existence. An additional 3,798 additional cases were being processed at year's end.

During the year, routine labor inspections increased to 24,632, from 20,613 in 2001. Inspections based on a specific complaint reached 4,820.

Workers have the right to strike. However, the very low level of unionization and procedural hurdles make legal strikes rare. The reforms adopted in 2001 rescinded the provision—long noted by the ILO as an unwarranted constraint on the right of association-that prohibited seasonal agricultural workers from striking during harvest time. The 2001 Labor Code reforms also reduced from two-thirds to one-half plus one the number of a firm's workers required to call a legal strike. The Labor Code requires that a labor court consider whether workers are conducting themselves peacefully and have exhausted available mediation before ruling on the legality of a strike. The 2001 Labor Code reforms created new procedures that workers in essential services (health, utility, and communications) must follow to exercise legally the right to strike; however, other changes in the Labor Code gave the President and his cabinet the power to suspend any strike deemed "gravely prejudicial to the country's essential activities and public services." Employers may suspend or fire workers for absence without leave if authorities have not recognized their strike as legal. The strike regulation law calls for binding arbitration if no agreement is

reached after 30 days of negotiation. For a strike to be declared, a workplace election must be held, and 50 percent plus 1 person present, including workers and management, must vote in favor of the strike. The union then must petition a labor court for permission to strike. The judge calls the petitioners and employer representatives before the court and forms a Conciliation Tribunal to seek resolution of the conflict. If no agreement is reached, the parties can go to binding arbitration, or the judge may rule on the legality of the strike. In practice, this can be a lengthy process, and few requests for strikes are upheld.

There was one legal strike during the year. On July 5, the union of municipal workers of Jalapa went on strike for 15 days. They returned to work after the mayor pledged to honor union demands. Other unofficial work stoppages were held by labor groups in the banana sector, health sector, and others throughout the year. Landless peasant groups blocked national roads to press the national government for more attention to their demands for land.

Labor laws and regulations apply throughout the country, including the few export processing zones (EPZs). (Maquilas that make garments for export operate under an EPZ-like regime, although they are not located in distinctly established areas.) The laws governing the EPZs do not infringe on fundamental rights to organize trade unions or bargain collectively. However, there are no collective bargaining agreements between employers and any of the more 100,000 workers in the for-export zones and maquila sector. Union leaders' inability to organize workers in these zones is caused by employer intimidation and pressure as well as unofficial restrictions on their access to the EPZs.

c. Prohibition of Forced or Bonded Labor.—The Constitution bars forced or bonded labor; however, women are trafficked for the purpose of sexual exploitation (*see* Section 6.f.). Trade union leaders and human rights groups charge that employers sometimes forced workers to work overtime, often without premium pay (*see* Section 6.e.). The law does not specifically prohibit forced or bonded labor by children; however, they are covered by the general constitutional provision. Forced or bonded labor by children generally did not occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bars employment of minors under the age of 14 without written permission from the Ministry of Labor. However, the informal and agricultural sectors regularly employ younger children, usually in small family enterprises. Economic necessity forces most families to have their children seek some type of employment to supplement family income, especially in rural and indigenous communities. In 2000 MINUGUA found that 34 percent of children 7 to 14 years of age work. Most minors work at household chores, in subsistence agriculture, in family-run enterprises, and elsewhere in the informal economy.

According to a special survey by the National Statistics Institute completed in 1999, from 1998 to 1999 there were 326,095 children doing paid work, and 495,780 doing chores in the home. An estimated 80 percent of work accidents involve 15-to-18-year-old workers who lack proper safety training. The law prohibits minors from night work and extra hours (the legal workday for minors younger than 14 is 6 hours; for minors 14 to 17 years of age, it is 7 hours); from work in establishments where alcoholic beverages are served; and from work in unhealthy or dangerous conditions.

The ILO's International Program on the Elimination of Child Labor is active in the fireworks industry and opened a pilot facility for safe production of fireworks without child labor in July. The Labor Ministry estimated that approximately 10 percent of the children in this industry work illegally in factories, while younger children, under the age of 14, typically work at home on piecework taken in by their families. Accidents occur regularly in the informal cottage fireworks industry. According to press reports an average of 25 persons per year, the majority minors, suffer burns and amputations from accidents in the fabrication of fireworks. Between 3,000 and 5,000 children were employed in the illegal cottage-based fireworks industry.

The ILO also sponsors programs to eliminate child labor in the production of gravel and certain agricultural sectors.

Laws governing the employment of minors are not enforced effectively, due to the weakness of the labor inspection and labor court systems. The Association for Girls and Boys in Central America estimates that approximately 2 million children work in the region. The majority of child laborers work in agriculture (family farms, coffee, and sugar cane harvesting), while others work in domestic service, construction, family businesses, stone quarrying, rock-breaking, fireworks manufacturing, shining shoes, begging, performing in the streets, or other jobs. In 2001 the Ministry approved 1,014 permits for minors under 14-years-old. Many children under the age

of 14 work without legal permission and are vulnerable to exploitation. Their illegal status makes them ineligible to receive social benefits, social insurance, vacations, or severance pay, and they often earn salaries below the minimum wage.

In October the ILO reported that the number of child workers has increased to 937,530, and that 38,878 of those are under 18 years of age and working as domestics in private homes in conditions of modern slavery. The ILO report studied 150 child domestic workers in Guatemala City and 100 in the southeastern city of Jutiapa. Forty-five percent of those interviewed were between 6 and 13 years old. The report asserts that the total number of child and adolescent domestic workers in the provinces of Guatemala and Jutiapa totals 10,433, the overwhelming majority of whom (10,144) are female. In the capital, the majority of children (74 of 100) worked 13 to 16 hours a day, and their average monthly salary is approximately $51 (395 quetzals). Monthly wages were even lower in Jutiapa, where 60 percent of those interviewed worked less than 6 hours per day; however, they work for more than 1 household. Many suffered psychological mistreatment, including sexual abuse.

In May the ILO released a report entitled "Child Labor in Garbage Dumps: A Rapid Evaluation." The report is the result of 167 interviews with garbage pickers in the capital. Seventy percent of those interviewed were between 7–18 years old. More than half of those interviewed under 13 years old do not attend school. The figure was higher (74 percent) for those between 14–18 years old. Eight percent of those interviewed lived on the dump, and 32 percent lived nearby. The child workers suffer a variety of physical maladies associated with their work.

The Child Worker Protection Unit within the Ministry of Labor enforces restrictions on child labor and educates minors, their parents, and employers on the rights of minors in the labor market. In 2000 the Ministry of Labor, with the support of a group of NGOs, finalized a National Plan for the Prevention and Eradication of Child Labor and Protection of Adolescent Workers, which was approved by the Cabinet in 2001. In 2001 the Ministry launched a national campaign to eliminate the worst forms of child labor, and in November President Portillo announced the creation of a new National Commission for the Elimination of Child Labor which will coordinate ministerial collaboration on implementation of the National Plan to Eradicate Child Labor.

The labor law does not specifically prohibit bonded labor by children; however, the Constitution prohibits forced or compulsory labor. Bonded labor by children generally did not occur; however, children were trafficked into prostitution (*see* Section 6.f.).

e. Acceptable Conditions of Work.—Although the law sets minimum wages, noncompliance with minimum wage provisions in the rural and informal sectors is widespread. A May 2001 government survey of employment and income revealed that only 60 percent of the working population received the minimum wage or more. As minimum wage provisions have become more complex through inclusion of a monthly "incentive bonus", and as the minimum wage has risen during the year and with a deepening economic crisis affecting the coffee-growing sector, noncompliance with the law, which was already high, has risen. Advocacy groups that focus on rural sector issues estimate that more than half of workers engaged in day-long employment in the rural sector do not receive the wages, benefits, and social security allocations required by law. Minimum wage laws do not extend to domestic workers.

The Ministry of Labor oversees a tripartite committee that makes recommendations for increases in the minimum wage. In the event that agreement is not reached in the tripartite commission, the Government may decree such increases based on recommendations of the Labor Minister. The 2000 Labor Code reforms placed responsibility for drafting the decrees setting new minimum wage levels, should there be no consensual proposal submitted by the tripartite commission, on the Labor Ministry. On January 1, a minimum wage increase, promulgated by executive branch decree after the tripartite commission was unable to reach a consensus, took effect. This decree raised the minimum daily wage for agricultural work by $0.31 (2.42 quetzals) to $3.52 (27.50 quetzals). It raised the minimum daily wage for service, industrial, and government sector work by $0.29 (2.33 quetzals) to $3.85 (30.00 quetzals). In August 2001, the Government decreed a mandatory monthly bonus for all workers of $31.25 (250 quetzals) from a previous level of $20.20 (162 quetzals) for agricultural workers and $19.30 (154 quetzals) for nonagricultural workers.

The minimum wage was not sufficient to provide a decent standard of living for a worker and family. According to the UNDP, at least 80 percent of the population, including approximately 60 percent of working population, lives below the poverty line. The Ministry of Labor conducts inspections to monitor compliance with min-

imum wage provisions; however, the Ministry of Labor lacks the resources to enforce adequately the minimum wage law.

An estimated 70 percent of workers are in the informal sector, and are therefore completely without labor protections. Only 21 percent of workers were covered by the National Social Security System (IGSS) in 2000, according to the Labor Ministry.

The legal workday is 8 hours and the workweek is 44 hours; a tradition of longer hours remains in place in certain sectors. These limits do not apply to domestic workers. The Labor Code requires a weekly paid rest period of at least 24 hours. Trade union leaders and human rights groups charge that employers sometimes forced workers to work overtime, often without premium pay. Labor inspectors report uncovering numerous instances of such abuses, but the lack of stiff fines or strong regulatory sanctions, as well as inefficiencies in the labor court system and enforcement of court orders, have inhibited adequate enforcement of the law.

Occupational health and safety standards are inadequate. During the year, as part of its effort to address this situation, the Ministry of Labor participated in a number of regional international initiatives intended to sensitize employers and workers to health and safety risks in the workplace. The Labor Ministry provides training courses for labor inspectors in health and safety standards, and has given such training priority despite scarce resources. In August the Minister unveiled a National Plan for Occupational Health and Safety developed through tripartite participation.

Nevertheless, enforcement of occupational health and safety standards remains weak. When serious or fatal industrial accidents occur, the authorities often fail to investigate fully or assign responsibility for negligence. Employers rarely are sanctioned for having failed to provide a safe workplace. However, in the past, the authorities suspended one maquila operation for safety shortcomings and threatened about a dozen others with a suspension of operations if they failed to improve safety conditions. Legislation requiring companies with more than 50 employees to provide on-site medical facilities for their workers has not been well enforced. However, most large employers did provide such facilities for their employees. The fireworks industry is particularly hazardous (*see* Section 6.b.). Workers have the legal right to remove themselves from dangerous work situations without reprisal. However, few workers are willing to jeopardize their jobs by complaining about unsafe working conditions.

A January report by the Women's Rights Division of HRW alleged that women workers, especially in the domestic and maquila for-export manufacturing sector, suffer from high rates of discrimination and sexual harassment. One-third of a sample of 29 domestic workers reported sexual harassment at work, according to the report. Labor law exempts domestic workers from the right to an 8-hour workday and the 44-hour workweek, provides domestics only limited rights to national holidays and weekly rest, and denies domestics the right to employee health care under the national social security system. While the labor code stipulates that all workers have the right to the minimum wage, domestic workers are denied this right by executive decree.

The report alleged that maquilas often force women to reveal whether they are pregnant as a condition of employment, either through questions on job applications, in interviews, or through physical examinations. Approximately 80 percent of the 100,000 maquila workers are women.

f. Trafficking in Persons.—The law specifically prohibits trafficking and smuggling of persons; however, trafficking in women and children is a problem. The country is a source and transit country of women and children trafficked for the purpose of sexual exploitation. There is also internal trafficking and in some cases, the country is a destination country for trafficked victims. Trafficked persons come mainly from other Central American countries and Ecuador. Victims trafficked to Guatemala are usually young women or children who are trafficked for sexual exploitation. Most of the minors brought to the country are trafficked for sexual exploitation and placed in poor surroundings and paid low salaries. A 1999 study by the NGO Pro-niños, Niños Centro Americanos (PRONICE) suggests that fraud and threats are a common form of recruitment. Usually traffickers choose pretty girls who come from poor families. The most common "contracting places" are along the borders. Those trafficked from Guatemala for sexual exploitation are usually minors, both boys and girls, from poor families. The traffickers often approach these individuals and offer them lucrative jobs, which would allow them to make regular remittances back to their families. The methods of approach include promises of economic rewards, jobs in cafeterias or beauty parlors, or jobs in other countries. The means of promotion include flyers, newspaper advertisements, and verbal or personal recommendations.

NGOs and the press credibly alleged that some Immigration Service officers accept bribes in return for allowing traffickers to bring children into the country for purposes of sexual exploitation.

The Government is making efforts to combat trafficking despite resource constraints and endemic corruption. The law specifically prohibits trafficking and smuggling of persons. The Government investigates trafficking cases; however, there have been no prosecutions of trafficking cases since victims often fail to press charges due to a cumbersome judicial system and fear of reprisal. Prison sentences for traffickers are commutable to fines. The Government does not assist or protect victims of trafficking, although victims are not treated as criminals. However, Casa Alianza reported in May that nine trafficked minors found in a brothel were temporarily jailed by authorities "for their own protection." The Government has conducted antitrafficking and antismuggling public awareness campaigns, and it provides limited funding to NGOs dedicated to preventing trafficking.

The Defense of Children's Rights unit in the Human Rights Ombudsman's Office and the Minors' Section of the Prosecutor's Office investigate cases of trafficking. Officials in the Labor Ministry also raise the issue with the police and social welfare agencies as part of their efforts to combat child labor and child exploitation. NGOs that focus on women and children's rights often help victims of trafficking and work to educate the population about the dangers of trafficking.

The country is a significant transit and source country for alien smuggling, both from neighboring Central American countries as well as Ecuador, China, Taiwan, and South Asia. Some aliens are trafficked to the United States. Traffickers use force, coercion, fraud, and deception. In one instance, Chinese male victims apparently agreed to debt bondage to pay off their transportation costs, while female victims, some of whom were under age 18, apparently were being taken to the United States to work as prostitutes. The victims were told that their families in China would suffer if they broke the debt bondage agreement.

Sexual exploitation of children is a growing problem, including child prostitution and the trafficking of children for purposes of prostitution. In June Casa Alianza estimated that there were more than 15,000 sexually exploited boys and girls in the country, many working in the more than 600 bars and night spots in Guatemala City. The report also noted an increase in visitors to the country for the purposes of child sex tourism. Child prostitution is especially a problem in the capital and in the towns of Escuintla, Tecun Uman, and Coban. There continues to be a rise in child prostitution in towns along the borders with Mexico and El Salvador. Child migrants who fail to cross the border into Mexico often remain in the country and resort to prostitution to survive. Many children are also brought into the country from El Salvador, Nicaragua, and Honduras by organized rings that force the children into prostitution (*see* Section 6.f.). Laws protecting children from sexual exploitation are weak. Victim protection programs are nonexistent, and children who are taken into custody are often treated poorly by authorities and deported. In July police jailed nine children, some as young as 14, who were trafficked from El Salvador to work in brothels. The police released them after Casa Alianza offered to provide the victims with counseling, housing, and repatriation.

In 2001 the Social Secretariat for the Welfare of Children, in conjunction with a commission of NGOs and other government ministries, presented the National Plan of Action against Sexual Exploitation of Children in Guatemala. The plan is an initiative to fight child prostitution and pornography, trafficking of children, and sex tourism. The Government, however, has not yet committed the financial resources to implement it. In April the authorities apprehended a Canadian citizen who, while living in a rural indigenous community, took pornographic photographs of minors for export to Canada.

The U.N. Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography visited the country in 1999, and noted a marked increase in child prostitution in the towns along the borders with Mexico and El Salvador. Along the border with El Salvador, many child prostitutes were brought into the country from El Salvador, Nicaragua, and Honduras by organized rings. In its 1999 annual report on the state of children, the Archbishop's Human Rights Office identified the growing problem of child prostitution as inextricably linked to that of trafficking in persons, noting that no child prostitute got there alone.

GUYANA

The Co-operative Republic of Guyana has a multiparty political system based on proportional representation. Citizens elect an executive president and a 65-member unicameral parliament. The President appoints a prime minister and a cabinet. In

March 2001, citizens voted in a generally free and fair national election to reelect the People's Progressive Party (PPP) and its Civic (C) partner. Incumbent Bharrat Jagdeo received his own mandate for a 5-year term as President. Social unrest and occasional violence marred the postelection period, with the main opposition party alleging that election procedures violated the Constitution. Despite some technical problems, international observers considered the elections free and fair. The judiciary, although constitutionally independent, was inefficient and often appeared subject to government influence.

The Guyana Defence Force (GDF) and the Guyana Police Force (GPF) were under effective civilian control. The GDF was a professional military responsible for national defense, internal security, and emergency response. The GPF, which included a Target Special Squad (TSS) that has some paramilitary training, has the authority to make arrests and was responsible for maintaining law and order throughout the country. Some members of the police force committed human rights abuses.

The economy, which for years was controlled under a system of central planning, was based on a mix of private and state enterprises. The country has a population of approximately 735,000. Rice, sugar, bauxite, gold, fish, and timber were the major exports. There were severe shortages of skilled labor, and the economy was constrained by an inadequate and poorly maintained infrastructure for transportation, power distribution, flood control, and communications. Government estimates placed real economic growth at 1 percent during the year, compared with 1.9 percent in 2001. A 1999 U.N. Development Program living conditions survey showed that 35 percent of the population lived in poverty; 21 percent were extremely poor.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The police continued to commit unlawful killings, and police abuse of suspects continued to be a problem. The authorities took some steps to investigate abuses, but in general, the police continued to commit abuses with impunity. Prison conditions remained poor, and lengthy pretrial detention continued to be a problem. The inefficient judicial system resulted in long delays in trials. Police infringed on citizens' privacy rights. The Government charged a television talk show host and a political activist with treason. Violence against women and children, societal discrimination against women and indigenous Amerindians, incidents of discrimination stemming from the racial tensions between Indo-Guyanese and Afro-Guyanese, child labor in the informal sector, and trafficking in persons were all problems. Guyana was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The police continued to commit unlawful killings. The Guyana Human Rights Association (GHRA) reported that the police killed 24 civilians during the year, compared with 16 in 2001. In most cases, the police shot the victims while attempting to arrest them or while a crime was being committed. Public investigations rarely were conducted into such killings; in general police abuses were committed with impunity.

In February five prisoners escaped from the Georgetown Camp Street Prison, setting off a crime wave that overwhelmed the security forces. The GPF had little success apprehending the criminals, who began targeting police officers. From February to October, 12 law enforcement officers were killed in separate incidents.

On April 6, members of the TSS killed Shaka Blair during a night raid on his house in Buxton. Police alleged that Blair was harboring the February prison escapees and fired on police as they approached the house. Police claimed that they found a hand grenade in his possession. Blair's wife and neighborhood residents disputed the police version of events, claiming that Blair was murdered as direct retribution for the killing of TSS member police Superintendent Leon Fraser on April 2. On April 16, Working People's Alliance executive committee member Eusi Kwayana filed private criminal murder charges against GPF Senior Superintendent Steve Merai of the TSS for Blair's murder. The Director of Public Prosecutions (DPP) dismissed those charges; however, the case was appealed to the High Court where it was awaiting a ruling by the Chief Justice.

On May 10, police killed Wesley Hendricks during a raid on his house in Georgetown. Police stated that they stormed the residence after receiving a tip that one of the February prison escapees was seen in Hendrick's house. The raid netted a sizable quantity of weapons and ammunition.

On July 3, members of the Presidential Guard shot and killed Mark Crawford and Albetha Fufe after approximately 100 protesters, led by local political activist Phil-

lip Bynoe, stormed the Presidential Office Compound in Georgetown during a large opposition political protest march. The Government charged television talk show host Mark Benschop and Bynoe with treason for inciting the crowd to invade the complex (*see* Section 2.b.).

On July 25, Kwame Pindleton and Leroy Lowe were killed during a shootout with police after they attempted to run a police roadblock outside Georgetown. Two other men with Pindleton and Lowe managed to escape. News reports identified Lowe as a former police officer. The GPF stated that Pindleton was wanted in connection with several murders.

On September 21, police shot and killed Dexter Dubissette in Georgetown. Police stated that Dubissette was killed during an encounter with members of the TSS, but eyewitnesses disputed the police statements. They claimed that Dubissette was killed after being summoned to approach the vehicle in which TSS officers were riding.

On October 11, police shot and killed Shawn Welcome while he was in custody. Police arrested Welcome for possession of a weapon, a hand grenade, and a quantity of cocaine and cannabis. Police stated that Welcome was shot after he attempted to wrestle a gun away from an officer escorting him to a police station. Police sources stated that Welcome, along with three accomplices, was wanted in connection with four murders and a series of robberies.

In February the High Court nullified the November 2001 coroner's jury verdict that the police were responsible for the 2000 death of Mohammed Shafeek, who died in Brickdam police lockup.

In most of the killings by police in previous years, including the police shootings of Azad Bacchus, Shaazad Bacchus, and Fadil Ally in 2000, and of Fazal Narine and Colin McGregor in 1999, there were no new developments.

During their weekly press conferences, representatives of the opposition party, the People's National Congress/Reform (PNC/R), called repeatedly for public inquiry into the operations of the TSS and urged the Government to dismiss the Minister of Home Affairs. On April 9, at a rally following street violence that broke out after the April 6 police killing of Shaka Blair, opposition leader Desmond Hoyte called for the Government to disband the TSS and claimed that the Blair shooting "must be laid at the feet of the PPP government." The Government continued to refuse to recognize police killings as a problem and did not conduct any special investigations into the operations of the TSS.

In June 2001, the GHRA issued a press statement strongly criticizing the increase in extrajudicial killings and calling for a National Oversight Committee to implement a national security policy. It stated that the GPF was overwhelmed by criminal and politically induced lawlessness. According to the GHRA, eight police killings took place during the 2 months after the national elections in 2001, and the GHRA recommended investigations into the coincidence of periods of high levels of political lawlessness and such killings.

In March 2000, the U.N. Human Rights Committee made 22 recommendations to the Government, including a call for prompt investigation by an impartial body of police killings and excessive use of force. It also called for measures to ensure the prosecution of offenders and to provide effective remedies to victims. The Committee recommended that all law enforcement officials receive thorough training in international human rights standards. During the year, the GHRA conducted two general human rights training programs for the GPF, two programs for the Prison Service, and one session for the GPF and the GDF.

Many justice authorities and human rights activists stated that due to rising crime and pressure from urban businesses, which were often the targets of criminals, the Government did not actively pursue investigations of alleged police abuses.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, police continued to abuse suspects. The GHRA continued to consider mistreatment of prisoners by prison officers a problem. Moreover, inmates, attorneys, and judicial authorities provided credible evidence that police and correctional officers frequently ignored the actions of other inmates who beat, robbed, or otherwise mistreated "problem" prisoners.

The Police Complaints Authority (PCA) was composed of five members who investigated complaints against police officers. The law provides for the independence of the PCA; however, most members were from the criminal justice system, and the PCA was not truly independent. The PCA received 98 complaints through September (compared with 44 in all of 2001); it completed investigations of 43 cases and sent them to the Police Commissioner for action. However, there was no information publicly available on the status of the investigations. Even when police offi-

cers faced charges, most of the cases were heard by lower magistrate courts, where other specially trained police officers served as the prosecutors (*see* Section 1.e.). Human rights monitors questioned officers' commitment to prosecute their own colleagues.

The Office of Professional Responsibility (OPR) also investigated complaints against police. As of 2000, at least 99 cases resulted in some type of disciplinary action being taken against police officers. The OPR did not release any information on how many cases it received during the year, how many it completed action on, and how many were awaiting instructions from the Department of Public Prosecutions.

Prison and jail conditions were poor, particularly in police holding cells. Georgetown's Camp Street Prison, the country's largest, was overcrowded. The Prison Authority reported that there were approximately 600 inmates in the facility, a decrease from 850 held there in 2001. According to prison officials, the facility was intended to hold 500 inmates; however, the GHRA stated that the Camp Street Prison initially was designed to hold 350 inmates. Conditions in the country's four smaller prisons generally were adequate; they held between 650 and 700 inmates. The GHRA continued to advocate improved health care in the prison system. In addition to overcrowding and a lack of medical personnel, poor staff morale was a serious problem. Prison staffers were poorly paid, and their salaries and benefits were insufficient to compensate for the on-the-job risks; however, they made efforts to improve conditions for prisoners. Prison officials lobbied the Government for increased funding to improve prison conditions; they also encouraged efforts by local and international nongovernmental organizations (NGOs) to improve physical and sanitary conditions.

In July 2001, members of a United Kingdom Prison Reform Team recommended that a high-level Commission on Criminal Justice be established to address the problems within the prison system. The team spent 18 months reviewing the Prison Service and found the major problems to be overcrowding, poor conditions for prisoners and staff, perceived infringement of basic human rights, minimal rehabilitation, and high cost to taxpayers. The most immediate concern of the team was overcrowding, which was attributed in large part to the lack of alternatives to imprisonment. The team found that more than 80 percent of prisoners were serving time for minor offenses with sentences of from 1 to 3 months.

The GHRA reported no deaths in prison during the year attributed to overcrowding; 12 prisoners died from disease. In October 2000, the GHRA criticized prison authorities for the death of Michael Ramcharran at the hands of another inmate, which the GHRA said was the direct result of overcrowding at the Camp Street Prison. To reduce overcrowding, the GHRA called on the judiciary to consider alternate sentencing for minor offenses, rejuvenation of the Parole Board, and the release of ill prisoners who have completed almost all of their sentences. However, the Government did not adopt any of these recommendations. The Parole Board continued to play a more active role, but was reluctant to release prisoners due to insufficient postrelease resources, including a lack of staff to monitor parolees.

Although sanitary and medical conditions in police station temporary holding facilities varied, in almost all cases these conditions were worse than those in the prisons. Some such jails were bare, overcrowded, and damp. Few had beds, washbasins, furniture, or utensils. Meals normally were not provided; friends and relatives had to bring detainees food and water. Cells rarely had sanitary facilities, and inmates sometimes were escorted by staff members outside the cells to use holes in the floor for toilets. Inmates generally slept on a thin pallet on the concrete floor. The Brickdam lockup in Georgetown had poor sanitation and dangerous conditions. One cell without plumbing or other facilities typically held up to 30 detainees and often was the site of violence between inmates. Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as 4 years, waiting for the overburdened judicial system to act on their cases.

Pretrial detainees were held separately from convicted prisoners.

Conditions were generally adequate in the only women's prison, which is at New Amsterdam, in a facility that held men and women in separate dormitory-type buildings. There were a number of vocational and educational courses. In 2001 the GHRA urged that female inmates' responsibility for children be recognized in terms of length of sentence and facilities for family contact. The East La Penitence police jail, where female prisoners were held until sentencing, was upgraded in 2000; sanitation improved, and piped water was provided for the inmates.

Following widespread criticism caused by the detention in 1999 of two boys (ages 8 and 11) with adult prisoners who mistreated them, police were careful to place

juvenile offenders in a fairly adequate separate facility. The Ruimveldt police station was the only facility holding juveniles between ages 14 and 17 years.

Prison officials were receptive to local and international NGO requests to enter and inspect prison facilities. The GHRA participated as a member of the prisons' visiting committee, which investigated prisoner complaints, inspected diets, reviewed primary medical care services, and provided recommendations to prison authorities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that no person may be deprived of personal liberty except as authorized by law and requires judicial determination of the legality of detention, a mandate that the authorities generally respected in practice.

Arrest does not require a warrant issued by a court official. Police may arrest without a warrant when an officer witnesses a crime or at the officer's discretion in instances where there is good cause to suspect that a crime or a breach of the peace has been or will be committed. The law requires that a person arrested and held for more than 24 hours be brought before a court to be charged. Bail was generally available, except in capital offense cases. In narcotics cases, magistrates had limited discretion in granting bail before trial and were required to remand persons convicted of such crimes into custody, even if an appeal were pending.

Lengthy pretrial detention remained a problem; however, the Government, according to the GHRA, made an effort to reduce the backlog of cases. It raised the salaries of magistrates and demanded that judges spend more time hearing cases and handling matters more expeditiously. The GHRA estimated average pretrial detention at between 18 months and 2 years; a decline from 3 or 4 years common in past years.

The Constitution prohibits forced exile, and it was not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, but law enforcement officials and prominent lawyers questioned that independence and accused the Government of intervening in certain cases. In most human rights cases, the Government generally respected the independence of the judiciary.

The court system is composed of a high court (the Supreme Court of Judicature), an appeals court, and a system of magistrate courts. Magistrates were members of the civil service and were trained lawyers. The magistrate courts dealt with both criminal and civil matters, and specially trained police officers served as prosecutors in lower magistrate courts. The Ministry of Legal Affairs, headed by the Attorney General, was the principal legal advisor to the State. The Director of Public Prosecution was statutorily independent and could file legal charges against offenders. The Constitution provides that anyone charged with a criminal offense has the right to a hearing by a court of law. This right generally was respected in practice.

Delays in judicial proceedings were caused by shortages of trained court personnel and magistrates, inadequate resources, postponements at the request of the defense or prosecution, occasional alleged acts of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial. There were reports that police who served as prosecutors in lower magistrate courts were reluctant to prosecute police accused of abuses (*see* Section 1.c.). The inefficiency of the judicial system undermined due process.

Lengthy pretrial detention remained a problem (*see* Section 1.d.).

In June 2001, Members of Parliament voted to amend the Constitution, incorporating a number of recommendations from the Constitution Reform Commission. Intended to strengthen the judiciary, the changes removed from executive control the appointment of judges and members of the Judicial Service Commission (JSC), as well as the ability to extend the tenure of judges beyond the age of retirement. In addition, the bill granted the JSC power to appoint the Director and Deputy Director of Public Prosecutions, the Registrar and Deputy Registrar of the High Court, and the Registrar and Deputy Registrar of Deeds. The amendments also allowed the President, on the advice of the JSC, to make temporary appointments of judges to sit in magistrate courts and the High Court. The number of appointments was to depend on the outcome of an audit of pending cases.

Due to the absence of the Constitutional Service Commissions (Public Service Commission, the Police Service Commission, the Teaching Service Commission, and the Judicial Service Commission) there were no appointments or promotions to Public Service, the Police Force, the Teaching Service, or the judiciary and magistracy for over a year. The service commissions were casualties of the political impasse between the PPP/C and the PNC/R over the composition in Parliament of the four sectoral standing committees and the representation of each party on the parliamentary management committee.

Defendants were granted public trials, and appeals could be made to higher courts. Defendants were presumed innocent until found guilty. Cases in magistrate's courts were tried without jury; more serious cases were tried by jury in the High Court. Appeals of some murder cases may go on for several years. Trial postponements were granted routinely to both the defense and the prosecution. Programs designed to improve legal structures, reform judicial procedures, upgrade technical capabilities, and improve efficiency of the courts had only a limited effect. Judicial staff still needed further training in all areas. Although the law recognizes the right to legal counsel, in practice, with the exception of cases involving capital crimes, it was limited to those who could afford to pay. There was no public defender system, but defendants in murder cases who needed a lawyer were assigned an attorney by the court.

The Georgetown Legal Aid Clinic, with public and private support, provided advice to persons who could not afford a lawyer, with a special interest in cases of violence against women and criminal cases related to civil cases (for example, assault as part of a divorce case). The Guyana Association of Women Lawyers provided free legal services for civil cases only.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right of privacy; however, the authorities often infringed on citizens' privacy. Law enforcement officials must obtain warrants before searching private homes or properties. Although the authorities generally respected these requirements, there were numerous reports of police officers searching homes without warrants, particularly in neighborhoods where narcotics trafficking was a problem.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Citizens openly criticized the Government and its policies.

The independent Stabroek News published daily, and a wide range of religious groups, political parties, and journalists published a variety of privately owned weekly newspapers. The Government's daily newspaper, the Guyana Chronicle, covered a broad spectrum of political and nongovernmental groups. However, throughout the year, the Chronicle typically displayed a clear antiopposition bias.

On July 11, police arrested Mark Benschop, talk show host of the television program "Straight Up," and charged him and political activist Phillip Bynoe, who remained at large, with sedition and inciting persons "by words and conduct" during the July 3 storming of the Presidential Office Complex. The Government alleged that Benschop and Bynoe delivered speeches at several public meetings between June 1 and July 3 urging their audiences to overthrow the Government (*see* Section 2.b.). In August the Government began a preliminary inquiry into charges of treason against Benshop; the case was still pending at year's end.

On May 24, President Jagdeo signed the Inter-American Press Association's 1994 Declaration of Chapultepec and stated that the local media corps had nothing to fear from the Government.

In contrast to the Government's tolerance of the print media, a growing number of journalists charged the Government with failure to respect freedom of the electronic media. The Government owned and operated the country's sole radio station, which broadcast on three frequencies. There were no private radio stations, and private interests continued to allege that the Government either denied or failed to respond to more than 20 requests for radio frequency authorizations. The Government maintained that it was unable to grant frequencies to private stations because there was no legislation governing their allocation. However, despite a similar lack of legislation to govern television frequencies, there were 12 independent television stations in addition to the Government station.

On May 9, VCT Channel 28 aired a taped statement by the late prison escapee Andrew Douglas proclaiming his innocence and protesting lengthy trial delays. In the absence of a broadcast authority, the Government asked the Advisory Committee on Broadcasting to sanction the television station for breach of broadcast standards relating to content. The three-member committee refused to rule on the issue, stating that it was not in its mandate to do so.

In May 2001, Prime Minister Samuel Hinds announced that the Government no longer would tolerate unregulated broadcasting, and that all television stations would be required to adhere to existing legislation and obtain an official license. The existing laws—the Post and Telegraph Act and Wireless Telegraphy Regulations—were to remain in effect until a Commission on Broadcasting developed new broadcasting legislation. Conditions for obtaining a license included assurances that sta-

tions would not broadcast any program likely to offend the public, incite racial hatred or crime, or lead to public disorder. The opposition strongly criticized the announcement, stating that enforcement of the deficient existing legislation was an attempt to censure broadcasting that is critical of the Government. Despite the controversy, 22 stations applied for broadcasting licenses, and the Government granted 15 licenses in December 2001.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice; however, the police occasionally used force against demonstrators.

The Public Order Act requires police permits for mass political meetings. The Police Commissioner has the authority to refuse permission for a public meeting if he believes that it may provoke a breach of the peace. In cases of refusal, applicants may appeal to the Minister of Home Affairs, whose decision on the matter is final. After obtaining authorization, which generally was granted, political parties and other groups held public meetings and rallies throughout the country without hindrance.

On July 3, members of the Presidential Guard shot and killed Mark Crawford and Albetha Fufe after approximately 100 protesters, led by political activist Phillip Bynoe, stormed the Presidential Office Compound in Georgetown during a large opposition political protest march (*see* Section 1.a.). Organizers staged the march to coincide with the Caribbean Community (CARICOM) Heads of government Meeting hosted by the Government. The Government charged television talk show host Mark Benschop and Bynoe with treason for inciting the crowd to invade the complex.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

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

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country, and the Government generally respected this right in practice. Travel to Amerindian areas requires government permission, the result of a law dating from colonial times designed to protect indigenous people from exploitation. However, in practice most persons traveled throughout these areas without regard to the formality of a permit. Citizens were free to travel abroad, to emigrate, and to return.

The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government did not have a formal policy on refugees or asylum and did not enact model legislation prepared by the UNHCR. The issue of provision of first asylum did not arise.

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

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

Citizens enjoyed this right and exercised it in free and fair elections held in March 2001. There was a multiparty political system based on proportional representation. Voters indirectly elect the President to a 5-year term of office. Any citizen 18 years or older may register to vote.

The party that wins the most votes for parliament wins the presidency. A party's presidential candidate must be announced in advance of the election. The President appoints a cabinet and a prime minister who, with the President, exercise executive power. Citizens were free to join or support political parties of their choice. Since the party in power controls Parliament, the legislature typically provided only a limited check on the executive's power. In November 2000, the National Assembly amended the Representation of the People Act and the Constitution to permit the election of 25 of the 65 deputies from regional constituencies. Voters elected the other 40 from a national slate of nominees chosen by the parties from different sectors of society.

In 1999 Finance Minister Bharrat Jagdeo succeeded to the presidency following the resignation of Janet Jagan for health reasons. In December 2000, Parliament passed a Constitutional Amendment Act that imposed a 7-year residence requirement on candidates for the presidency and set a limit of two terms. In addition, the act removed a clause that made the President immune from prosecution, and it lim-

ited to four the number of ministers who need not be elected Members of Parliament.

In March 2001, citizens voted in a generally free and fair election to sustain the PPP/C in office, defeating the PNC. Incumbent Bharrat Jagdeo received his own mandate for a 5-year term as President. However, the opposition called for the courts to declare the election unconstitutional and illegal, which delayed Jagdeo's swearing in until later that month.

In response to allegations of an unconstitutional electoral process, the Guyana Elections Commission (GECOM) ordered a review and audit of the March 2001 election, conducted by an eight-member team headed by a representative of the Institute for Democracy and Electoral Assistance (IDEA). The team investigated voter registration, the production of identification cards, staffing of polling stations, operational and contingency planning, the counting of votes, and the declaration of election results. As part of the review, the team conducted detailed consultations with political parties, representatives of civil society, and members of GECOM in June 2001. The results, published in mid-August 2001, stated that IDEA was unable to find any evidence of deliberate manipulation or electoral fraud despite several procedural errors and system failures that the audit examined in some detail. The report found no evidence of a conspiracy or corruption to manipulate election systems or the election results, as the opposition alleged.

Guyana is a racially divided society in which the political party structure reflected the polarization of the main ethnic groups. The two major parties (the PPP and the PNC) were formed largely by Indo-Guyanese and Afro-Guyanese, respectively.

There were no legal impediments to the participation of women or minorities in the political process. The December 2000 constitutional amendments required that one-third of the parliamentary candidates be female. The 65-member Parliament included 20 women and 4 Amerindians, representing both major parties. The 20-person Cabinet included 4 women and 1 Amerindian, and the Chancellor of the Judiciary was a woman.

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

The authorities did not interfere with the activities of human rights groups. The GHRA, the most active local human rights group, functioned without government interference. Trade unions, professional organizations, various ethnic groups, and churches participated in the GHRA. It issued periodic press releases and published an annual report on human rights. Members of the Government openly discussed human rights issues and made public statements in response to foreign and local human rights reports.

In June 2001, Parliament approved an act that provided for the establishment of a Human Rights Commission (HRC). The HRC was charged with promoting the observance and respect for rights outlined in the Constitution, and protecting and investigating violations of these rights and any other law relating to equality of opportunity and treatment. The HRC comprised a Chairperson and the four chairpersons of the Women's, Children's, Indigenous, and Ethnic Relations Commissions in the Parliament; however, these commissions did not have a staff or a budget for operations.

In 2001 the GHRA issued a press release in response to the announcement of the newly established HRC, calling the Commissions Act a "lost opportunity," and criticizing the haste with which the act was developed and implemented. It further complained about the lack of members specifically charged with observing, protecting and investigating fundamental human rights and freedoms, and the lack of authority given the commission.

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

The Constitution provides fundamental rights for all persons regardless of race, sex, religion, or national origin; however, the Government did not always enforce these provisions effectively.

Women.—Violence against women, including domestic violence, was widespread, and NGOs reported that domestic violence crossed racial and socioeconomic lines. Despite efforts by NGOs and the DPP to sensitize police officers to domestic violence, the police often were hesitant to interfere in cases of domestic disputes. According to Help and Shelter (H&S), the first local NGO dedicated to fighting domestic violence, it handled 375 cases of abuse, including child, spousal, nonspousal, and other domestic abuse between January and September.

The Domestic Violence Act defines domestic violence, establishes it as a crime, and gives women the right to seek prompt protection. Magistrates may issue interim protection orders when a victim of abuse, a police officer, or a social worker fills out

an application for protection. A magistrate then evaluates the case and decides whether to replace interim orders with permanent orders. The act allows victims to seek protection, occupation, or tenancy orders. Protection orders prohibited abusers from being anywhere that the applicant lives, works, visits, or attends school. If protective orders were violated, the abuser could be fined up to $54 (G$10,000) and imprisoned for up to 12 months; however, this legislation frequently was not enforced. Occupation orders allowed the victim and any children to remain in a home previously shared with an abuser, while the abuser must leave. Similarly, tenancy orders required an abuser to leave a rented dwelling and to continue to pay some or all of the rent. The GHRA criticized the structure of the Domestic Violence Act, stating that the law could not be implemented until appointments have been made to the Women's Affairs Bureau. In addition, the GHRA reported that the forms needed to request court orders were printed infrequently and were rarely available to the public.

In March 2000, the U.N. Human Rights Committee criticized the lack of information about the effect of the Domestic Violence Act in reducing the level of violence against women. The committee called for training police and other law enforcement personnel in the importance of ensuring that women who were victims of violence were accorded equal protection and that preventive and punitive measures were enforced. In 2001 the Government held 2-week training seminars for police officers to sensitize them to the issues and advise them about procedures. The authorities required officers who received training to conduct outreach to other officers.

In its efforts to combat domestic violence, H&S focused on societal reeducation in order to sensitize the public to domestic violence. By February 2001, H&S had counseled 3,872 persons since it began offering counseling services in November 1995. H&S reported that 79.2 percent of its cases from January to October involved spousal abuse.

Rape, particularly of girls and young women, was a serious problem but infrequently reported or prosecuted. Health professionals and NGOs also reported a high incidence of incest. Lawyers said that while more victims reported these crimes to the authorities, there still was a social stigma applied to the victim for doing so. An estimated 3 percent of cases reported to H&S were rape cases; the vast majority of these—70 percent—were reported by victims age 17 and under.

Prostitution is illegal, but it did occur, and it received increased public attention due to the high incidence of HIV/AIDS among prostitutes.

There was no legal protection against sexual harassment in the workplace. The law prohibits dismissal on the grounds of pregnancy, and dismissal on such grounds did not occur in practice. The Women's Affairs Bureau of the Ministry of Labor monitored the legal rights of women, but its role was limited to employment-related services. The Women's Leadership Institute, a collaborative effort between the Government and the U.N. Development Program, sought through education and training to facilitate greater participation by women in government and the private sector. The center planned to train an average of 350 women annually on issues such as women's rights, status of women, violence against women, and leadership development. In September 2001, 100 women began the first phase of the program, which involved 15 hours per week of training for 4 months.

The 1997 Antidiscrimination Act built upon the provisions of the 1990 Equal Rights Act. The two laws provide a strengthened framework under which women and minorities may seek redress for discriminatory acts or practices. However, no case ever has been tried under the Equal Rights Act, and critics of the Antidiscrimination Act claimed that it was unlikely to be effective since it places enforcement responsibilities on the overburdened Chief Labor Officer.

The law protects women's property rights in common-law marriages and entitles a woman who separates or divorces to one-half the couple's property if she had been working and one-third of the property if she had been a housewife. Divorce by consent remained illegal. The courts may overturn a husband's will in the event that it does not provide for his wife, as long as she was dependent on him for financial support.

Children.—Children were affected more severely by the country's poverty than any other group. One-third of the population was under 18 years of age and, although the Government provided free education through secondary school (it is compulsory until age 14), the severe deterioration of the public education and health care systems limited children's future prospects. The public health system was inadequate, and private health care was unaffordable for many children. Children often did not attend school because their families needed them to contribute to the household by working or providing childcare for siblings or younger relatives (*see* Section 6.d.).

Concern continued to rise over the effects of domestic violence on children. It was unclear how many deaths from child abuse took place, since law enforcement officials believed that the vast majority of criminal child abuse cases were unreported. H&S reported that it received 31 cases of child abuse between January and September, the equivalent of 8 percent of its cases for that time period. In June 2001, the Welfare Section of the Georgetown Education Department stated that reports of physical and sexual abuse of children were on the rise, with an average of two to three cases per month in the capital city alone. There were no law enforcement investigative procedures in place to determine if abuse or parental incapacity were the true causes of death in some cases of the 400 children under the age of 5 who died each year, deaths that usually were attributed to malnutrition or disease.

Media reports of rape and incest further indicated that violence against children was a significant problem. The Domestic Violence Act allows police officers or social workers to file an application on behalf of an abused child, but there was a lack of social services or trained experts to assist children fleeing sexual, physical, or emotional abuse. Many children suffered from neglect or abandonment, particularly when from 1 to 2 percent of the adult population emigrate each year, often leaving children behind.

There were reports of child prostitution (*see* Section 6.f.).

UNICEF criticized the practice in which girls traded sexual favors for money, gifts, or help in employment or higher education, a practice sometimes condoned by their parents yet obscured by cultural norms.

Media reports indicated that violence against children in public schools continued to occur, but Education Ministry data on the number of corporal punishment cases were unavailable. In June 2001, one student suffered a broken collarbone and another a broken elbow as a result of flogging by their teachers. Both teachers involved in the incidents returned to work pending investigations. The Ministry of Education responded to these incidents with a 30-point program intended to phase out corporal punishment in schools.

Persons with Disabilities.—There was no law mandating provision of access for persons with disabilities, and the lack of appropriate infrastructure to provide access to both public and private facilities made it very difficult to employ persons with disabilities outside their homes. In 1997 Parliament passed a law establishing a council for persons with disabilities, which functioned throughout the year. There were several special schools and training centers for persons with disabilities, but the facilities lack trained staff and were in disrepair.

Indigenous Persons.—The Amerindian population, which consists of nine tribal groups, constituted an estimated 8 percent of the population. Most lived in reservations and villages in remote parts of the interior. Their standard of living was much lower than that of most citizens and their ability to participate in decisions affecting their lands, cultures, traditions, and the allocation of natural resources was limited. Access to education and health care in Amerindian communities was limited severely.

Amerindian life is regulated by the Amerindian Act, legislation dating from colonial times designed to protect indigenous people from exploitation. Under the act, the Government may determine who is an Amerindian and what is an Amerindian community, appoint Amerindian leaders, and annul decisions made by Amerindian councils. It also prohibits the sale of alcohol to Amerindians and requires government permission before any Amerindian may accept formal employment; however, these provisions were not enforced. Both Amerindian individuals and groups remained free to criticize the Government. In 1998 the Ministry of Amerindian Affairs admitted that the Amerindian Act was antiquated and expressed a commitment to update it, although it took no action to do so.

The Government has long maintained that it was committed to demarcating lands that traditionally have been the home of Amerindians, but the Government held title to almost all the country's land and was free to act as it wished without consultation. According to the Amerindian Peoples Association, the Government demarcated over 30 Amerindian communities since 1998; however, most communities rejected the demarcations because they did not conform to community-defined boundaries, often reducing land size or transferring land to other communities. In October six Amerindian villages filed a formal land claim seeking legal recognition of land titles, but the Government failed to respond to the petition.

Amerindian NGOs regarded government consultations as mere public relations exercises and demarcation as a means of confining Amerindian communities so that the remaining areas that Amerindians considered to be their land could be offered as concessions to miners and loggers. (Most of the titles to demarcated land were granted decades ago under the Amerindian Act and did not allow for the growth

of Amerindian communities.) The Amerindian NGOs claimed that Amerindian leaders were not consulted properly and were pressured into uninformed decisions. The Government maintained that it would consider granting additional land rights to those communities that agreed to have their lands demarcated in 1999, but it did not take action to do so.

In March 2000, the U.N. Human Rights Committee expressed regret that the Government had not yet amended the Amerindian Act and expressed concern that Amerindians did not enjoy fully the right to equality before the law. The Committee particularly was concerned that the right of Amerindians to enjoy their own culture was threatened by logging, mining, and delays in the demarcation of their traditional lands, and that in some cases insufficient land was demarcated to enable them to pursue their traditional economic activities.

National/Racial/Ethnic Minorities.—Longstanding ethnic tensions, primarily between citizens of African descent and those of South Asian origin, continued to influence society and political life. Racial grouping of social and political organizations polarized society along ethnic lines, and discrimination and exclusion continued to occur. Members of both the largely Indo-Guyanese PPP and the largely Afro-Guyanese PNC engaged in rhetorical and propaganda attacks that fueled racial tensions.

The civil service and defense and police forces overwhelmingly were staffed by Afro-Guyanese. Recruitment efforts targeted at Indo-Guyanese candidates for the uniformed services generally met with an unenthusiastic response, with most qualified Indo-Guyanese candidates opting for a business or professional career over military, police, or public service. In the aftermath of the 1997 and 2001 national elections, the Government continued efforts to recruit Indo-Guyanese for the security forces. The Government also sponsored various forums for discussion of racial problems and to promote inclusion, and it supported the work of NGOs that dealt with these concerns.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association and specifically enumerates workers' rights to form or belong to trade unions. The Trade Unions Recognition Law, which requires employers to recognize the union chosen by a majority of the workers, came into effect in 1999, but implementation has been slow. The Trade Unions Recognition Board, created by this act, did not grant recognition to any new unions; it issued recommendations to recertify existing unions that previously had represented workers, but the process was delayed.

Approximately 32 percent of the work force was unionized. Most union members worked in the public sector and in state-owned enterprises. There was no law prohibiting antiunion discrimination by employers.

Organized labor freely associated in the major national federation, the Guyana Trades Union Congress (GTUC), which was composed of 22 unions. There was a tradition of close ties between the trade union movement and political parties. Historically, the two major political parties have wielded significant influence over the leadership of several unions, and trade union officials often served in dual roles as party officials. This arrangement occasionally led to overt politicization of labor issues. Efforts to negotiate a new contract between the Government and the Guyana Public Service Union (GPSU) were deadlocked amid allegations of bad faith that had distinct political and racial overtones. The GPSU was largely Afro-Guyanese and the governing PPP was largely Indo-Guyanese.

Unions and their federations freely maintained relations with recognized international trade union and professional groups. All three of the major international trade union federations had affiliates in the country.

b. The Right to Organize and Bargain Collectively.—Public and private sector employees possessed and utilized the right to organize and to bargain collectively. The Ministry of Labor certifies all collective bargaining agreements and has never refused to do so. Individual unions directly negotiated collective bargaining status, pursuant to the 1993 repeal of a regulation that required that all collective bargaining be negotiated through the GTUC. Unions were dissatisfied with a provision that granted the Ministry of Finance veto power over wage contracts negotiated by other ministries. The Chief Labor Officer and the staff of the Ministry of Labor provided consultation, enforcement, and conciliation services.

The law provides workers with the right to strike. Strikes may be declared illegal if the union leadership did not approve them, or they did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide the proper notice to the Ministry of Labor and leave a skeleton staff in place, but they were required to engage in compulsory arbitration to bring an end to a strike. The International Labor Organization (ILO)

urged the Government to amend this legislation to limit the use of compulsory arbitration to only those strikes in services the interruption of which would endanger life, personal safety, or health. There was no law prohibiting retaliation against strikers or antiunion discrimination by employers; however, this principle always was included in the terms of resumption after a strike. The Trade Unions Recognition Law defines and places limits on the retaliatory actions employers may take against strikers. Arbitration rulings, when agreed to by the contending parties, were legally enforceable.

During negotiations in October for a new contract with the Government, the GPSU demanded a 64 percent increase in the monthly minimum wage. It argued that a substantial increase would end underperformance and an exodus of trained and skilled public servants. The negotiations deadlocked, and in November the Government announced it would grant a 5 percent increase to most public service workers, retroactive to January. The GPSU rejected the increase, stating that it was intended to create the false impression that the Government was responding to public calls for economic assistance. The GPSU continued to insist that the matter be resolved through arbitration, to which both sides had previously agreed. The Government stated that it had consistently increased wages for public servants since taking office in 1992.

In 1999 following a civil service strike, an arbitration panel awarded government workers an across-the-board 31 percent pay increase for 1999, an additional 26 percent increase in 2000, and step increases. While the Government paid the annual increases, it did not agree to implement step increases; pay increases must be negotiated annually.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, and there was no indication that it occurred. The Government prohibited forced or bonded labor by children and generally enforced this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Factories Act and the Employment of Young Persons and Children Act set out minimum age requirements for employment of children. According to UNICEF, however, child labor in the informal sector was a problem, and it was common to see very young children engaged in street trading in the capital. Legally, no person under age 14 may be employed in any industrial undertaking and no person under age 16 may be employed at night, except under regulated circumstances. The law permits children under age 14 to be employed only in enterprises in which members of the same family were employed.

While the Ministry of Labor recognized that child labor existed in the informal sector, it did not employ sufficient inspectors to enforce existing laws effectively. The practice of teenage prostitution was a problem (*see* Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Act and the Wages Councils Act allow the Labor Minister to set minimum wages for various categories of private employers, but there was no legislated private sector minimum wage. As a result of the civil service arbitration ruling in 1999 (*see* Section 6.b.), the minimum public sector wage increased to $104 (G$19,000) per month. Although enforcement mechanisms existed, it was difficult to put them into practice, and unorganized workers, particularly women and children in the informal private sector, often were paid less than what was required legally. The legal minimum wage for the public sector was insufficient to provide a decent standard of living for a worker and family.

The Shops Act and the Factories Act set hours of employment, which vary by industry and sector. In general work in excess of an 8-hour day or a 44-hour week required payment of an overtime rate. However, if the initial contract stipulated a 48-hour workweek, then the overtime rate applied only for hours worked in excess of 48 hours. The law does not require at least a 24-hour rest period each week.

The Factories Act also establishes workplace safety and health standards. The Ministry of Labor implemented programs in the workplace to promote HIV/AIDS awareness and provide information on related health issues in order to combat discrimination. The Occupational Health and Safety Division of the Ministry of Labor was charged with conducting factory inspections and investigating complaints of substandard workplace conditions. The ILO's Committee of Experts criticized the Occupational Health and Safety Act for failing to protect workers adequately who use chemical substances that were proven to be carcinogenic. As with its other responsibilities, inadequate resources prevented the Ministry from effectively carrying out this function. Workers could not remove themselves from dangerous work situations without jeopardizing continued employment.

f. Trafficking in Persons.—There were no laws that specifically prohibit trafficking in persons, and there was some evidence that women were brought into the country from Brazil to work in clubs and bars, and that women from Colombia and the Dominican Republic were trafficked through Guyana to Suriname, where they were reportedly trained to become sex workers in Europe.

There were reports of child prostitution, by teenagers in cities and in remote gold mining areas in Amerindian communities.

There were also occasional reports of trafficking in persons of Chinese and South Asian origin, who would immigrate illegally to the United States under conditions amounting to debt bondage. Persons providing fraudulent documents for the purpose of facilitating illegal immigration can be charged with obtaining money under false pretenses, which carries a small fine and a 6-month prison sentence. Some fraud cases were prosecuted during the year.

HAITI

Haiti is a republic with an elected president and a bicameral legislature. The 1987 Constitution remains in force, but many of its provisions were not respected in practice. The political impasse and political violence stemming from controversial results of May 2000 legislative and local elections continued during the year. In May 2000, the Provisional Electoral Council (CEP) manipulated the results of the election to ensure that Fanmi Lavalas (FL) maintained control of the Senate. The opposition parties boycotted July 2000 runoff elections and the November 2000 presidential elections, in which Jean-Bertrand Aristide was elected with extremely low voter turnout. Efforts by the Organization of American States (OAS) to resolve the dispute were not successful. The 1987 Constitution provides for an independent judiciary; however, it is not independent in practice and remained largely weak and corrupt, as well as subject to interference by the executive and legislative branches.

The Government established the Haitian National Police (HNP) in 1995 as the sole security force in the country after disbanding the Armed Forces of Haiti (FAd'H). Despite a cadre of competent and committed officers trained by U.S., French, and Canadian authorities, HNP officials at all levels were implicated in corruption, incompetence, and narcotics trafficking. The HNP failed to pursue criminals, promoting a growing condition of judicial impunity. The HNP is officially an autonomous civilian institution; however, political leaders increasingly exercised control over elements of the police and influenced it for personal or political gain. President Aristide filled many key HNP positions with political allies lacking experience, training, and credibility. Some parliamentarians, mayors, and members of local government councils (CASECs) exercised arrest authority without legal sanction. The HNP has a variety of specialized units, including a crisis response unit (SWAT); a crowd control unit (CIMO) serving Port-au-Prince and the Western department; crowd control units (UDMOs) serving each of the remaining eight departments; and a small Coast Guard unit. The Special Brigades (BS) reportedly carry out politically motivated executions and is comprised of pro-FL paramilitaries. The large and well-funded Presidential Security Unit was officially part of the HNP, but had a stand-alone budget and was administratively and functionally independent. Civilian deaths and serious injuries resulted from the inability of HNP, CIMO and SWAT units to maintain order. Some members of the HNP committed human rights abuses during the year.

The country has a market-based economy and state-controlled utilities, and its economic situation worsened significantly during the year. A small elite controlled much of the country's wealth, but two-thirds of the estimated 8 million citizens worked in subsistence agriculture and were extremely poor. The informal sector accounted for approximately 70 percent of all economic activity, making taxation problematic. Remittances, estimated at $800 million in 2001, were a growing revenue source. Textiles accounted for approximately 85 percent of exports, but assembled goods, leather goods, and handicrafts also provided limited export revenue. The country imported 60 percent of its food, but produced mangoes, cocoa, essential oils, and coffee for export. The Haitian Institute for Statistics calculated a negative growth rate of 0.9 percent for this fiscal year. Inflation was approximately 14.8 percent.

The Government's human rights record remained poor, with political and civil officials implicated in serious abuses. There were credible reports of extrajudicial killings by members of the HNP. Police officers used excessive—and sometimes deadly—force in making arrests or controlling demonstrations and were rarely punished for such acts. Attacks on journalists and political dissenters by Fanmi Lavalas supporters continued. Prison conditions improved slightly, but were still poor and

prisoners with valid release orders continued to be held in defiance of these orders. Legal impunity remained a major problem, and police and judicial officials often failed to respect legal provisions or pursue and prosecute suspected violators. The media was largely free and often critical of the Government, but most journalists practiced some form of self-censorship. From July through December, several radio stations closed down temporarily due to intimidation and threats. Abuse of children and violence and societal discrimination against women remained problems. Internal trafficking of children and child labor, especially in domestic servitude, remained a problem. Haiti was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

In January the OAS noted a worsening political, economic and social situation in the country in Resolution 806, calling for improvements in human rights and urging the Government to work toward ending all forms of political violence. The Inter-American Commission on Human Rights (IACHR) visited in May and August to examine the status of human rights and the events of December 17, 2001 when an unknown number of unidentified gunmen attacked the National Palace in Port-au-Prince; 8 persons reportedly died and 15 persons were injured. Following the attack, progovernment groups attacked opposition members' offices and homes; one opposition member was killed. In June the OAS also began a Special Mission to Haiti to strengthen democratic institutions, with a focus on justice and human rights. In September OAS Resolution 822 called for a thorough inquiry into all politically motivated crimes, including the violence of December 17, 2001, and cited the need to strengthen independent police and judicial institutions to combat impunity.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Other Unlawful Deprivation of Life.—There were credible reports of extrajudicial killings by members of the HNP and municipal government officials.

On January 6, Deputy Jocelyn Saint Louis of Saint Raphael shot and killed commune mayor Sernand Severe following an elections-related feud and the death of the deputy's nephew during a violent confrontation between the mayor and his supporters and the deputy's family and bodyguards. On February 5, the legislature lifted Saint Louis' immunity and he was still in pretrial detention at year's end.

On May 25, the HNP killed three youths from Cite Soleil, a Port-au-Prince slum. The authorities had not undertaken an investigation into the killing by year's end.

On July 5, the security guard for a government official in the town of Hinche beat a farmer to death for trespassing on land belonging to the official. There were no arrests or judicial action in this matter by year's end.

On July 29, under the orders of the mayor of Nan Chale, near Port de Paix, persons armed with stones, sticks and machetes beat a group of farmers involved in a land dispute. The armed individuals returned later that day in an HNP vehicle, and attacked and burned homes, and beat the residents. One resident died.

On November 28, Belladere Justice of the Peace Christophe Lozama, a reputed drug-dealer with close ties to FL, was shot during a clash with opposition demonstrators in Kenp, outside of Las Cahobas. On December 10, armed men broke into Las Cahobas jail, shooting and killing four persons and freeing four detainees—two of whom were opposition members arrested for Lozama's murder. Human rights workers investigating the incident reported that the police lacked the will to conduct a fair investigation into the case and noted that authorities targeted anti-FL demonstrators for questioning and arrest.

On December 8, armed men dressed in black identified as HNP took three brothers, Angelot and Andy Philippe, and Vladimir Sanon, from their home in Carrefour in Port-au-Prince. Later that day their bodies were found with gunshot wounds and taken to the city morgue. The boys had previously protested the December 1 police robbery and shooting of their friend, Marcellus Bongue. Authorities have not arrested and no examining judge has questioned any of the three policemen whom eyewitnesses identified as the last persons seen with the brothers.

In September an investigating judge indicted 10 people in connection with the December 2001 killing of journalist Brignol Lindor; however, he did not indict Petit Goave deputy mayor Duby Bony, who allegedly incited the murder when he said Lindor should be met with zero tolerance. By year's end, police had arrested only three of those indicted (*see* Section 2.a.).

The April 2000 killing of popular Radio Haiti-Inter host and journalist Jean Leopold Dominique, known for his criticism of the Government and of former coup leaders, remained unsolved. In April investigating judge Claudy Gassant resigned from the case and fled the country, claiming fear for his life. By mid-September Ber-

nard St. Vil, the third judge assigned to the murder investigation, had questioned 12 persons, including Senator Dany Toussaint, considered a major suspect in the case; however, the Senate did not lift his parliamentary immunity.

There was no progress in several other high-profile killings, including those of Amos Jeannot (killed in 2000), Senator Yvon Toussaint and Jean Lamy (killed in 1999), and Chenel Gracien and Jean Pierre Louis (both killed in 1998). On April 12, investigating Judge Jocelyne Pierre interviewed Jackson Joanis, former head of the police antigang unit, regarding the 1994 murder of Jean Marie Vincent. Officially charged with murder, Joanis remained in pretrial detention in Petionville police station. Little action was taken on the ongoing investigation into the 1993 massacre of Cite Soleil residents by members of the FAd'H and an allied paramilitary group, the Revolutionary Front for the Advancement and Progress of Haiti (FRAPH).

Vigilante killings are a long established practice in the country; however, their incidence increased following President Aristide's "zero tolerance" exhortation to police and citizens to bypass the judicial system if they caught criminals in the act. During the year, human rights organizations, journalists, and opposition groups criticized the Government's support for this practice.

On May 31, residents of Cazeau lynched a thief. On July 5, an angry crowd pursued an Hinche city official's security agent who had beaten a peasant to death. They found him taking refuge at the local bishop's residence, stoned him to death, and ransacked the building. The HNP, saying it was powerless, did not respond to the bishop's calls. On July 15, a group of stevedore union members seized a low-level manager at the Port Authority and burned him alive during a clash with members of another union after the deaths of the stevedore union president and his colleague. The stevedores alleged that the manager had been involved in the union leader's death.

On March 27, months after issuance of an arrest warrant, police arrested Ronald Camille "Cadavre" for the September 2001 killing of activist Fritzner Jean. In December, due to serious illness, authorities transferred Camille from the national penitentiary to Saint Francois de Sales, a private hospital, where he remained at year's end.

b. Disappearance.—There were credible reports of politically motivated disappearances.

On September 17, members of the HNP reportedly detained Felix Bien Aime, a gangster with government ties implicated in the events of December 2001 and in the 1999 Fort Mercredi massacre and two of his colleagues, Paul Mauzac Jean and Djal Normil. Despite demonstrations by Bien Aime's supporters, the HNP refused to comment on his detention or whereabouts. Human rights organizations believe that all three were killed.

On October 14, police arrested and beat two members of the Konvansyon Inite Demokratik (KID) opposition party, David Barjon and Jean Lafouche, after an argument over public housing. Their whereabouts remained unknown. The HNP did not commented on the case nor kept a written record of the arrest. Human rights organizations believe they were killed.

On October 23, the chief of the police unit assigned to the National Palace, Paul Voltaire, disappeared. He had reportedly uncovered a drug-trafficking ring involving progovernment supporters. Human rights organizations believe he was killed.

On October 26, authorities arrested former soccer player Emmanuel Auguste and took him to Carrefour police station. Family members visited him there that day. By the next day, Auguste had disappeared. Human rights organizations believe he was killed.

On November 13, ex-military officer and former Petionville police commissaire, Jean Lewis Bourgouin, disappeared. He reportedly was a close friend of Guy Philippe, an anti-Aristide former military officer. Human rights organizations believe he was killed.

There has been no further investigation of the human remains found at Titanyen but during the year there were frequent reports of new human remains found at Titanyen and other locations.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1987 Constitution prohibits the use of unnecessary force or restraint, psychological pressure, or brutality by the security forces; however, members of the security forces continued to violate these provisions. Police officers used excessive and sometimes deadly force in making arrests or controlling demonstrations and were rarely punished for such acts (*see* Section 1.a.). Torture and other forms of abuse were reported.

Police mistreatment of suspects at the time of arrest and during detention remained common in all parts of the country. Beating with fists, sticks, and belts was the most common form of abuse. Persons who reported such abuse often had visible injuries consistent with the alleged mistreatment. There were also isolated allegations of torture by electric shock. Mistreatment also took the form of withholding medical treatment from injured jail inmates.

The Government's record of disciplining police officers implicated in these offenses was inconsistent. Police were rarely prosecuted for abuse of detainees but were sometimes fined. Often the HNP simply fired officers guilty of flagrant abuses. The HNP Inspector General requested the removal of 88 police officers charged with abuse since January 2001; however, many were still on the payroll at year's end.

Despite substantial international assistance and some initial progress, the HNP was largely an ineffective institution with inadequate government support. Most new cadets entered through a competitive selection process, but the Government appointed more than half based on political and personal favoritism. In August a new class of 872 recruits began training.

CIMO was often accused of using excessive force against demonstrators (*see* Section 2.b.).

Locally elected officials allied with the FL increasingly exercised unauthorized law enforcement functions. The mayors of Hinche, Maissade, Miragoane, and Petit Goave employed small paramilitary groups to victimize and control local populations. These groups engaged in torture, property damage, and theft, and were usually better armed than local police. In rural areas, members and agents of CASECs illegally assumed police functions such as serving warrants, arresting the accused, taking testimony (often for a fee), and seizing private property. Locally elected officials often abused citizens based on perceived political disloyalty, accusing them of attempts to destabilize the Government.

The Government did not pursue investigations of Maissade mayor Willot Joseph or Hinche mayor Dongo Joseph for their involvement in March 2001 attacks on two judges investigating their paramilitary group's beatings of opposition members in July 2000. In April 2001, authorities had arrested and then provisionally released Dongo Joseph. In December 2001, he resigned as mayor and was replaced by James Joseph, a member of the same paramilitary group. Dongo Joseph was reportedly working for the Ministry of Interior at year's end.

Prison conditions remained poor. The Penitentiary Administration Management (DAP) made some progress in improving prison administration and warden training. Prisoners and detainees continued to suffer from a lack of basic hygiene, malnutrition, poor quality health care, and, in some facilities, 24-hour confinement. Most prisons periodically suffered from lack of water, especially in the provinces. The incidence of preventable diseases such as beriberi, AIDS, and tuberculosis increased. The total prisoner population remained at approximately 3,600. However, the number of inmates incarcerated at the National Penitentiary dropped from 1,899 to 1,700 by year's end, due in part to concerted efforts to resolve cases.

Overcrowding prevented the separation of violent from nonviolent prisoners or convicts from those in pretrial detention. Many were incarcerated in temporary holding cells, particularly in the provinces.

Prison officials confirmed reports by international human rights observers of instances of inmate abuse by prison personnel; however, no statistics were available. Prisoners and detainees, ignorant of legal rights or doubtful officials would respond positively, rarely filed official complaints. During the year, 30 guards were subjected to disciplinary action—18 were fired, 5 were temporarily suspended, and 7 were fined.

The Government established a commission to investigate the 2001 riot at the National Penitentiary but the commission has not published a report of its findings. Authorities transferred some prisoners to other facilities a week after the riot.

The Government's Office of Citizen Protection monitored prison conditions and offered training to prison administrators on criminal procedures, particularly the constitutional requirement limiting preventive detention (garde a vu) to 48 hours. The U.N. Development Program (UNDP) continued technical assistance to the DAP, focusing on midlevel warden training and management information. The National Coalition for Haitian Rights (NCHR) actively monitored prison conditions in cooperation with the DAP, which offered a prisoners' rights awareness campaign and morale-boosting activities including a soccer tournament.

During the year, the DAP began objective testing of prison physicians and nurses to weed out those who were inadequately trained. Doctors were available in the capital but were less frequently available to those incarcerated in the provinces. Nurses did not conduct daily checkups on the physical condition of inmates. Dispensary supplies were limited, and family members often had to purchase needed medica-

tion. The DAP improved medicine procurement and distribution, and in June a new consultant for medical services began work at the National Penitentiary.

Fort National prison in Port-au-Prince is the only prison facility expressly for women and juveniles. In other prison facilities, women are housed in cells separate from men. However, in January 2000, U.N. Special Rapporteur for Violence against Women Radhika Coomaraswamy reported, based on her 1999 visit, that most female prisoners share living quarters with male prisoners. This subjects women to violence and sexual abuse.

In October Natacha Jean-Jacques, a 17 year old girl in pre-trial detention at Fort National (Port-au-Prince's female prison) since March 2000, gave birth to a son. In February she had reported to prison authorities that Ilus Denasty, a medical assistant, had raped her on February 19, after she refused his advances during a medical consultation. The DAP subsequently transferred the director of the prison and prison guards implicated in the rape, and recommended to the district attorney that charges be brought against Denasty. The trial for Jean-Jacques, originally detained and charged for homicide, had not occurred by year's end.

Due to overcrowding, juveniles often were held with adults.

The authorities freely permitted the International Committee of the Red Cross (ICRC), the Haitian Red Cross, and other human rights groups to enter prisons and police stations, monitor conditions, and assist prisoners and detainees with medical care, food, and legal aid. The Director General of the HNP and the DAP cooperated with the ICRC and the UNDP.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces continued to use arbitrary arrest and detention. The Constitution stipulates that a person may be arrested only if apprehended during the commission of a crime, or on the basis of a written order by a legally competent official, such as a justice of the peace or magistrate. The authorities can only execute these orders between 6:00 a.m. and 6:00 p.m. and must bring the detainee before a judge within 48 hours of arrest. In practice, officials frequently ignored these provisions. There were also instances of arrests by security forces and local officials lacking proper authority; mayors and members of local CASECs sometimes arrested persons in under-policed rural areas (*see* Sections 1.c. and 6.a.). Judges often issued arrest warrants with little or no evidence (*see* Section 1.f.). Locally elected officials and local HNP increasingly arrested spouses and other family members when they were unable to locate a suspect. Occasionally parents ask a judge to imprison a delinquent child.

Certain police jurisdictions routinely disregarded the 48-hour requirement and some detainees were held for years in pretrial detention. Although the 48-hour rule was violated in all parts of the country, it was most often and most flagrantly ignored in Jeremie, Cap Haitien, Petionville, and the Delmas commissariat of Port-au-Prince. Police or other government officials often apprehended people without warrants, or on warrants not issued by a duly authorized official. Moreover, arrests sometimes were made on charges such as sorcery or debt with no basis in law. The authorities frequently detained individuals on unspecified charges or pending investigation. The Government often resorted to arrest and detention on false charges or on the charge of "plotting against the security of the State," particularly in political or personal vendettas. Detainees were generally allowed access to family members and a lawyer of their own choosing. Many detainees could not afford the services of an attorney, and the Government did not provide free counsel. Bail is available at the discretion of the investigative judge (juge d'instruction). Bail hearings are not automatic, and judges usually granted bail only for minor cases and based on compelling humanitarian grounds such as a need for medical attention.

Prolonged pretrial detention was a serious problem. Judicial delays left an estimated 78 percent of the country's prison population awaiting trial (*see* Section 1.e.). The problem was most extreme in Port-au-Prince, with 88 percent of National Penitentiary inmates in pretrial detention status. Eighty-six percent of females and 95 percent of minor detainees were in pretrial detention. The Justice Ministry made efforts to address the problem: between May and September, Minister of Justice Brown ordered the release of 60 pretrial detainees, and 6 judicial officials newly assigned to the National Penitentiary in May 2001 freed detainees in 120 out of the 178 cases reviewed (*see* Section 1.c.). The prolonged detention of persons with valid release orders continued to be a problem (*see* Section 1.e.).

Prisoners with histories of opposition to the Government or affiliation with the Duvalier or de facto regimes were affected disproportionately by prolonged pretrial detention. By year's end, political prisoners still held despite valid release orders included Esteve Conserve, Leonard Lucas, Alexandre Paul, Jean-Michel Richardson, and Jean Enel Samedi. However, authorities released Leoncefils Ceance, Jean-Robert Lherisson, Rilande Louis, and Calero Vivas Fabien.

Prosper Avril, former general and President of the military government from 1988 to 1990, remained incarcerated at the National Penitentiary in Port-au-Prince at year's end. In May 2001, the authorities had arrested Avril during a book promotion tour and charged him with plotting against the State. In March the Gonaives Court of Appeals ruled this arrest illegal and ordered his release, which occurred on April 12. However, the authorities immediately rearrested him on new charges of complicity in a 1990 massacre of peasants in Piatre. Following self-imposed exile abroad in April, Judge Henry Kesner Noel admitted he had inserted Avril's name in the list of accused perpetrators of the Piatre massacre on the instruction of officials close to President Aristide. On October 22, the Gonaives Court of Appeals ruled the April arrest illegal and ordered Avril's release; however, the district attorney's office in Port-au-Prince did not comply. Avril remained incarcerated at year's end.

On September 23, police arrested Rosemond Jean, leader of CONOSOVIC, a nongovernmental organization (NGO) advocating government reimbursement of deposits lost in failed cooperative schemes) on charges of weapons possession and criminal conspiracy. On September 30, Jean's attorney filed a Writ of Habeas Corpus, noting arresting officers had not had an arrest or search warrant. As of year's end, the court had not yet ruled, and Jean remained incarcerated.

The Constitution prohibits the involuntary exile of citizens, and there were no reports of its use. Self-imposed internal and external exile were common among opponents of the regime.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary was subject to significant influence by the executive and legislative branches. Years of extensive corruption and governmental neglect left the poorly organized judicial system largely moribund. Judges assigned to politically sensitive cases complained about interference by the executive branch (*see* Section 1.a.).

At the lowest level of the justice system, justices of the peace issue warrants, adjudicate minor infractions, mediate cases, take depositions, and refer cases to prosecutors or higher judicial officials. Investigating magistrates and public prosecutors cooperate in the development of more serious cases, which are tried by the judges of the first instance courts. Thirty appeals court judges hear cases referred from the first instance courts, and the 11-member Court of Cassation, the country's highest court, addresses questions of procedure and constitutionality. In Port-au-Prince, seven judges sit on a special labor court with jurisdiction over labor disputes, but in the provinces courts of first instance adjudicate such cases.

The judicial apparatus follows a civil law system based on the Napoleonic Code; the Criminal Code dates from 1832, although it has been amended in some instances. The Constitution provides for the right to a fair public trial; wever, this right was abridged widely in practice. The Constitution also expressly denies police and judicial authorities the right to interrogate suspects unless legal counsel or a representative of the suspect's choice was present or they waive this right; this right was also abridged in practice. While trials are public, most accused persons cannot afford legal counsel for interrogation or trial, and the law does not require that the Government provide legal representation. Despite the efforts of local human rights groups and the international community to provide free legal aid, many interrogations occurred without presence of counsel. However, some defendants had access to counsel during trials. The Constitution provides defendants with a presumption of innocence and the right to be present at trial, to confront witnesses against them, and to present witnesses and evidence in their own behalf; however, in practice corrupt and uneducated judges frequently denied defendants these rights.

Systemic problems including underfunding and a shortage of adequately trained and qualified justices of the peace, judges, and prosecutors created a huge backlog of criminal cases, with many detainees waiting months or even years in pretrial detention for a court date (*see* Section 1.d.). There was no legal redress for prolonged pretrial detention following acquittal or dismissal of charges.

In most regions, judges lacked the basic resources (such as office space, legal reference texts, and supplies) to perform their duties. Professional competence was sometimes lacking as well. The qualifying yearlong course at the Magistrates' school requires no previous legal training. On September 13, 29 judges graduated from this course and in October a new class of at least 9 students began. Judges increasingly conducted legal proceedings exclusively in Creole rather than French, but language remained a significant barrier to full access to the judicial system (*see* Section 5). UNDP, supported by the Government, provided additional training for many segments of the judicial system, including new judges and attorneys.

The Constitution sets varying tenure periods for judges above the level of justice of the peace. However, in practice the Ministry of Justice exercised appointment and administrative oversight over the judiciary, prosecutors, and court staff. This Min-

istry can remove justices of the peace and in practice has occasionally dismissed judges above this level. During the year, citizens filed approximately 180 complaints against judges with the Ministry of Justice.

The Code of Criminal Procedure does not assign clear responsibility to investigate crimes, dividing the authority among police, justices of the peace, prosecutors, and investigative magistrates. Examining magistrates often received files that were empty or missing police reports. Autopsies were conducted only rarely, and autopsy reports seldom issued. The Code provides for 2 criminal court sessions ("assizes") per year in each of the 15 first instance jurisdictions for all major crimes requiring a jury trial; each session generally lasts for 2 weeks. During the year, the Port-au-Prince jurisdiction, largest in terms of caseload, met once for 1 week and heard only 7 homicide cases. Criminal assizes in Port-au-Prince have met only once a year since 1998, with the last meeting held in July.

Following the IAHCR's August 26–29 visit evaluating the status of human rights, the OAS expressed its deep concern about the rule of law, the lack of judicial independence, and impunity (*see* Section 4). The OAS Special Rapporteur recommended that the Government "take steps to ensure the autonomy, independence, and impartiality of the judiciary." During this visit the OAS held a 2-day seminar instructing local attorneys and officials about human rights law. During the year a local NGO, working with the International Foundation for Elections Systems (IFES) and the Dominican Republic NGO Foundation for Institutionalization and Justice (FINJUS), conducted education campaigns on judicial reform and promotion of judicial independence.

The Government has limited the return of criminal deportees from the United States to 600 per year, creating a large backlog of Haitian criminals in the United States waiting to be deported. Upon their return to the country, criminal deportees are detained until a family member agrees to take custody of them and their release order is processed. This generally takes one to two months, but has lasted as long as four months in unusual instances.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits interference with privacy, family, home, or correspondence; however, police and other security force elements routinely conducted searches without warrants.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected those rights in practice. Several times during the year, the Government publicly demonstrated strong support for free expression; however, there were several documented attacks on members of the press. Print and electronic media freely criticized the Government and opposition. However, in practice most media admitted to some self-censorship to avoid offending sponsors or the politically influential.

There were two French-language newspapers in the country, Le Nouvelliste and L'Union, with a combined circulation of less than 20,000 readers. L'Union is a government-run newspaper; its editor was the Secretary of State for Communication. Le Nouvelliste and some irregularly printed papers were frequently critical of government policies. There was virtually no Creole-language press.

With a literacy rate of approximately 52 percent and limited access to television, the most important medium is radio, especially those stations broadcasting in Creole. There are 275 private radio stations, with 43 in the capital alone. Most carried a mix of music, news, and talk show programs that many citizens regard as their only opportunity to speak out on a variety of political, social, and economic issues. Uncensored foreign satellite and cable broadcasts were available but limited in impact: most citizens could not afford televisions. The few stations carrying news or opinion broadcasts freely expressed a wide range of political viewpoints.

Although most radio stations and other forms of telecommunications were nominally independent, they are subject to a 1997 law designating the State sole owner and proprietor of the airwaves. The State leases broadcast rights to private enterprises, retaining preemption rights in the event of a national emergency, including natural disasters. The Government did not exercise this right in practice.

There were several attacks on, or threats against, journalists during the year, and the legal system provided limited protection or redress. Journalists were accused of destabilizing the Government and often subjected to anonymous threats of violence, including threats of kidnaping and murder. Police and government officials often failed to protect journalists during civil unrest. The NGO Reporters Without Borders and local journalists' associations continued to protest attacks in prior years and called on the Government to provide security. The Government failed to do so, despite frequent expressions of support for free expression. The public and Popular Or-

ganizations (OPs) sometimes threatened journalists covering protests, civil unrest, and other large group events. In such cases, the Government's inability or unwillingness to provide adequate security to media outlets and journalists and tacit encouragement of "zero tolerance" contributed to an increased sense of vulnerability among members of the media who criticized the Government or FL. In the wake of the violence of December 17, 2001, 24 journalists or their family members went into self-imposed exile or sought refuge in an embassy, including journalists from Radio Caraibes, Radio Galaxie, Radio Ibo, Radio Metropole, and Radio Vision 2000.

On September 4, IACHR announced that the "murder of journalists in Haiti, along with a large number of complaints regarding harassment and threats against journalists, the media, and other social communicators, have created an unfavorable environment for freedom of expression." The IACHR Special Rapporteur for Freedom of Expression concluded that those whose freedom of expression is curtailed "cannot always rely on effective judicial protection to detect those responsible, to put a stop to intimidation, and ensure reparation for the damage done." The IACHR urged the Government to ensure full exercise of the right to freedom of expression without being exposed to reprisals (*see* Section 4). The Special Rapporteur also recommended that the country amend its laws on contempt of public authority and the criminalization of offensive language when referring to government officials.

From September 21 through 27, a U.N. independent expert on human rights conducted a fact-finding mission and cited impunity and threats to free expression as major concerns. The expert found that journalists were often forced to practice self-censorship.

On February 9, police arrested radio journalist Genet Morin of the Magic Stereo station and several members of the KID party, and held them without charges (*see* Section 3). Authorities released Morin 5 days later under pressure from local and international human rights and journalist organizations. It was unclear whether police targeted him as a journalist or because he was with KID members.

On May 27, Saint Raphael HNP arrested journalists Darwin Saint-Julien and Allan Deshommes and 11 others, and transferred them by helicopter to the National Penitentiary in Port-au-Prince. The two journalists had been covering a demonstration by peasant activists from the leftist political group Batay Ouvriye when armed local residents attacked the crowd. During the clash, two local residents died. The journalists, one of whom had suffered severe machete injuries, were held without charges until June 8. Police cited the journalists' alleged political beliefs, specifically opposition to private sector investment, as justification for the arrest (*see* Section 6.a.).

In July Saint Marc police arrested the 82-year-old mother of a journalist and detained her for 8 days without charges. Her son had refused to retract an earlier report critical of a judge. The same month, Grand Goave mayor, Rigaud Xavier, slapped a journalist in court. The mayor was pressured to resign, but prosecutors brought no charges against him.

On September 16, Judge Fritzner Duclaire indicted 10 OP members for the December 2001 killing of Petit-Goave journalist, Brignol Lindor. Police had only arrested three persons by year's end (*see* Section 1.a.).

On September 10, the Association of Haitian Journalists submitted a formal protest regarding tax bills on nongovernment-affiliated media. Many media owners felt these bills were political reprisals based on earlier presidential comments that those who did not pay their taxes should not criticize the Government. The Director of Income Tax and media owners resolved the dispute amicably, with some owners receiving a payment schedule and others new audits.

On September 26, Radio Kiskeya temporarily went off the air after receiving threats that an OP was going to attack the station. Radio Caraibes suspended news broadcasts to show solidarity with the threatened station. On September 27, three men threatened to set fire to Radio Ibo and the station closed briefly. The Secretary of State for Communication and the Prime Minister later visited Radio Kiskeya to support its operations. In a speech on October 10, President Aristide accused the media of involvement in a plot to destroy the Government, asserted an unspecified group was trying to denigrate the Government by saying it did not encourage a free press, and said fabricated threats to the media were the true threat to press liberty. FL leadership broadcast the same statements as part of an orchestrated campaign in the provinces and Port-au-Prince prior to the October 10 speech, repeating them in subsequent weeks.

There was no investigation into the December 2000 killing of sports broadcaster Geral Denoze. Investigations into the April 2000 killing of prominent radio commentator and journalist Jean Dominique and a security guard continued during the year, with a large gap between the resignation of one investigating judge and presidential appointment of a successor (*see* Section 1.a.). Local and international human

rights groups frequently criticized the slow pace of the Dominique investigation. On the evening of December 25 in Petionville, armed men attempting to enter the home of Michele Montas, Dominique's widow, shot and killed Maxime Seide, her bodyguard. Bernard Sainvil, the judge investigating Dominique's murder, had previously announced that he would submit his findings in December. By year's end, he had not yet sent his report to the district attorney.

On November 21 members of the paramilitary group "Cannibal Army," after pelting student protestors with stones, chased a group of seven journalists into the local bishop's residence (*see* Section 2.b). Gonaives police did not intervene. On November 26, after threatening to do so, Metayer supporters set fire to Radio Etincelle, where three of the journalists worked. On November 28, in coordination with the Government, the President of the Association for Haitian Journalists, Guy Delva, other journalists, and CIMO police units accompanied the seven journalists out of Gonaives. They subsequently went into hiding, where they remained at year's end.

On July 15, Israel Jacky Cantave, a Radio Caraibes journalist, and a colleague disappeared in an apparent kidnaping. Cantave and his severely beaten associate reappeared after a full day of public and government outcry. Cantave and his family left for France shortly after his reappearance, citing continued threats. In mid-August police reported their investigation did not support Cantave's account, suggesting the kidnaping had been a hoax. The authorities have filed no charges of kidnaping or filing a false report but the case remains open.

Foreign journalists generally traveled without hindrance from the authorities. The Government did not censor books or films. However, on September 18 special police forces shut down an open-air concert of the popular music group, Boukman Eksperyans, as it began a song critical of the Government.

The Government did not limit access to the Internet.

The Government did not restrict academic freedom. However, in August some State University of Haiti students protested the appointment of interim rectors, saying the Government exerted too much political influence over the university (*see* Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly. Although a variety of organizations were able to exercise this right without hindrance throughout the year, numerous violations of this freedom occurred in the provinces. CIMO was routinely accused of using excessive force against demonstrators (*see* Section 1.c.). Civil society groups were sometimes refused permits to assemble, most often in Central Plateau department. Authorities frequently failed to provide security for opposition parties or other groups conducting peaceful demonstrations. Authorities often transported pro-Aristide supporters, armed and unarmed, to announced opposition events and failed to arrest them for throwing rocks or bottles at the demonstrators.

On June 4, the HNP severely beat dozens of demonstrators demanding access to electrical services. On July 27, when armed men (including a CASEC) disrupted a meeting of farmers in the town of Torbeck, police reacted by arresting several of the farmers. In early September, CIMO agents in Mirogoane shot two people and used tear gas on residents demanding public services such as electricity, potable water, and better roads and telephone service. On September 2, CIMO agents used batons to beat demonstrators demanding compensation for losses at failed cooperatives in Port-au-Prince.

In several cases, police inaction allowed organized political militants to violate freedom of assembly rights, and there were numerous violent political demonstrations (*see* Section 1.a.). On August 14 and 22, groups with pro-Aristide banners and leaflets attacked students demonstrating against the replacement of the rector and vice-rectors of the State University of Haiti. Police present at the scene of the attacks did nothing to prevent or end these attacks. In September the OP Bale Woze, known for attacks on political opponents of FL and led by Saint Marc Parliamentary Deputy Emmaus Maillet, announced it would not permit any anti-FL demonstrations in Saint Marc. A few days later, pro-FL supporters repeating that sentiment in Gonaives clashed with opposition protestors. Eight opposition demonstrators were shot in the ensuing violence.

On November 17, antigovernment demonstrations commemorating the Battle of Vertieres in Cap Haitien peacefully protested government policies and called for President Aristide's departure. Police units protected the participants from groups of progovernment supporter harassment. On November 18, armed members of the FL informed government employees who had participated in anti-Aristide demonstrations, that, in contravention of labor laws, they had been fired.

In Petit Goave on November 20, police shot and injured eight students initially protesting school fees, corruption, and lack of public services and later denouncing the FL government and calling for President Aristide's departure. Police shot one

of the students. On November 21, anti-Aristide student protestors in Petit Goave, Gonaives, and Port-au-Prince called for his resignation. Police in Petit Goave and Port au Prince attempted to maintain order and protect the demonstrators. In Gonaives, pro-FL members of the paramilitary group "Cannibal Army" threw rocks at the students and chased a group of seven journalists into the local bishop's residence (*see* Section 2.a.). Gonaives police did not intervene.

On November 22, pro-FL supporters blocked main roads in Port-au-Prince with barricades, flaming tires, and parades, effectively halting all business and educational activity. Police and other vehicles bearing official plates passed the roadblocks, and other vehicles were stopped and shaken down for money.

Having obtained the necessary permit, several groups of opposition members in Port au Prince scheduled an anti-government demonstration for December 3, the anniversary of Brignol Lindor's murder. By 9 a.m., pro-Aristide supporters, some armed with guns or bullwhips, occupied the location of the proposed march, beat some would-be participants and threatened others. The scheduled commemorative march did not occur. At the State University of Haiti, BS police units beat some students, two of whom were hospitalized. On December 3 in Cap Haitien, pro-FL supporters attempted to halt anti-Aristide demonstrations by throwing rocks and bottles. Opposition protestors responded in kind. Police used teargas to disperse the crowd.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. The Penal Code requires prior government approval for any association of more than 20 persons that seeks tax benefits and official recognition from the Government.

c. Freedom of Religion.—The Constitution provides for the right to practice all religions and faiths, provided that practice does not disturb law and order, and the Government generally respected this right in practice.

In many respects, Roman Catholicism retained its traditional primacy among the country's religions. However, Protestant denominations (primarily Methodist and Baptist) have overtaken the Catholic Church with regard to active members. A large segment of the population practiced Christianity as well as Voudou, a traditional religion derived in part from West African beliefs. While there were associations of Voudou practitioners and priests, there was no organized hierarchy. Official recognition by the Ministry of Religious Affairs gives religious organizations legal standing and tax exempt status, and extends civil recognition to church documents. In April 2001, the Ministry of Religion officially recognized the first Voudou church, the Eglise Vodou d'Ayiti.

Accusations of sorcery, particularly in rural areas, have led to mob violence and killings, and Voudou practitioners were targeted in some cases.

For a more detailed discussion, see the *2002 International Religious Freedom Report*.

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

An unknown number of undocumented migrants left the country by sea or land to seek better economic opportunities. The Government's National Migration Office (ONM) was responsible for assisting citizens repatriated from other countries (including the Dominican Republic, the Bahamas, Cuba, and the United States) and frequently provided small sums of money to repatriated migrants for transportation. The ONM recorded 8,902 citizens formally repatriated during the fiscal year. According to the International Organization for Migration (IOM), the Dominican Republic deported approximately 500 Haitians each month. There were reliable reports of family separation and maltreatment of Haitians by Dominican soldiers during the year. There were no credible reports of government mistreatment of repatriated migrants.

The law provides for granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The question of provision of first asylum did not arise. During the year, the Government took no action on its only official asylum claim, brought by a person who had deserted from a third country's army, and his family. Several claimants from Cuba and Sierra Leone were advised by police instead to seek asylum at an embassy or in the Dominican Republic. Both groups reportedly had left Haiti by year's end.

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

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

The Constitution provides citizens with the right to change their government peacefully. In practice, the political system remained in transition from a dictatorial system to a more open and competitive one. The dominant FL political party manipulated legislative elections and exaggerated electoral participation in the 2000 presidential elections. The FL controls all branches of government, including the executive, legislative, and judicial branches. In November 2000, former President Aristide faced only token opposition and was elected to a 5-year term with a reported 91.5 percent of the votes cast. Most local and regional elected leaders were members of the FL.

Under the Constitution and electoral law, a candidate for the Senate or Chamber of Deputies must receive an absolute majority of votes cast to be elected in the first round of voting. If no candidate receives a majority, a second round runoff is required. Election observers, including the OAS, described the May 2000 legislative and local elections as generally free and fair despite irregular ballot tabulation, numerous reports of ballot theft, and significant candidate and observer intimidation. However, the CEP manipulated election results to ensure that Fanmi Lavalas won 16 of the 17 Senate seats, tabulating only those votes cast for the top four vote getters in each department rather than all valid votes cast. By setting a lower threshold for the absolute majority vote required under the Constitution, this eliminated runoff elections. The OAS Electoral Observation Mission questioned this methodology, which it characterized as a serious error.

Government refusal to correct these manipulations led to a political standoff between the FL and the opposition Democratic Convergence (CD). OAS-sponsored negotiations between the Government and opposition over the May election results continued through the summer with few results. On September 4, the OAS unanimously approved Resolution 822, delinking international economic assistance from the signing of an FL/CD accord. It called on the Government to implement previous OAS resolutions, expressed the expectation that the Government would hold legislative and local elections in 2003, and called on the Government to create a favorable security climate, implement a disarmament plan, strengthen independent police and judicial institutions in order to combat impunity, and participate in the formation of a credible Provisional Electoral Counsel by November 4 and an Electoral Guarantees Commission (CGE) by December 4. The resolution broadened the mandate of the OAS Special Mission to assist the Government in undertaking its obligations and to monitor and evaluate those efforts. By November 20, eight of the entities comprising the CEP had nominated a representative, though not officially sworn them in. Convergence had not put forth a representative. In reaction to the repression of opposition and student demonstrations on December 3, several CEP sectors considered imposing new conditions for their full participation in the CEP. OAS policy remained focused on implementation of Resolution 822, of which formation of a CEP is a key provision. By year's end neither the new CEP nor CGE had formed.

Pursuant to OAS Resolutions 806 in January, and 822 in September, the Government invited a three-member OAS special inquiry commission to investigate the December 2001 attacks on members of opposition parties. In July the commission concluded that the attack on the palace was not an attempted coup d'etat, and that the political opposition had not participated in the planning or execution of the attack on the palace. Furthermore, the commission determined that the subsequent attacks on the opposition would not have occurred without police complicity. Under international pressure, the Government agreed to pay reparations to the victims and publish a report of actions taken against persons implicated in the events. The Government's September 12 interim report was deemed insufficient to meet these requirements. By year's end, some accounts had been settled but negotiations over the amount of reparations were still ongoing for several others, including the two largest—OPL and MOCHRENA.

On July 4, police arrested Amiot Metayer a suspect in the December violence, on unrelated charges. However, on August 2, armed men attacked Gonaives prison and freed Metayer and 158 others. Since the escape, Metayer has frequently appeared in public and the authorities have not attempted to rearrest him. On November 28, the Government-appointed delegate to Gonaives, Kenaz Jean-Baptiste, resigned, days after Metayer and his supporters, the "Cannibal Army," publicly agitated for her departure. The Government replaced her with Metayer's preferred candidate, Ketlene Thelemaque.

Increasingly, affiliation with the FL was required for government employment, and political patronage was widespread. It was common for political appointees to use their positions for personal enrichment. Many of the 2,500 to 3,500 officers on the official HNP payroll were ghost officers who did not actually work.

There were fewer overt attacks on opposition leaders than in 2001, although there were numerous credible threats. The Government continued to accuse opposition supporters of plotting against the State. Members of opposition parties and their supporters faced the constant threat of arrest. In mid-February the police arrested 14 persons, most of them members of the KID political party, on charges of plotting against the State and participating in kidnapings for profit. Most remained in jail for months despite the widespread perception that the charges were without foundation.

On February 10, unknown persons killed the deputy from Gonaives, Marc Andre Dirogene, a FL member. Dirogene had written a letter to then-Prime Minister Cherestal, denouncing corruption at the Gonaives port and customs office. Cherestal reportedly sent a copy of the letter to the FL controlled port and custom authorities, where Amiot Metayer's brother has a prominent post.

On June 24, authorities interrogated 20 CD supporters, detaining 11, after unknown armed men shot and killed a family of 5 in Belladere. Observers claimed that the authorities politicized the crime to implicate CD members.

On August 22, police beat CD leader Gabriel Fortune, a former Les Cayes deputy, following a routine traffic stop.

On October 15, authorities arrested and beat two KID party members involved in an argument over public housing, but did not arrest other parties to the dispute. The whereabouts of the two men remained unknown at year's end and human rights organizations believed that they were dead.

After the November 28 shooting of Belladere Justice of the Peace, Christophe Lozama, in a clash between FL and anti-FL demonstrators, authorities targeted anti-FL protestors for questioning and arrest despite eyewitness accounts that he had been shot by FL supporters. Human rights investigators concluded that pro-government officials exploited Lozama's murder to justify political repression of opposition members in Las Cahobas (*see* Section 1.a).

There are no legal impediments to women's participation in politics or government. The monetary deposit required of female candidates for political office (if sponsored by a recognized party) is one-half that required of male candidates. At year's end 3 of the 81 deputies were women, and there were 6 women among the 19 senators. Five of the 16 ministers in the Government were women. During the year eight senators resigned and the deputy of Gonaives was killed.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally acknowledged their views but often failed to implement recommendations. The Government permitted special missions and the continued presence of U.N. bodies and other international organizations such as the International Red Cross, the U.N. Independent Expert on Human Rights, the U.N. Development Fund, the Inter-American Commission on Human Rights, and the OAS Special Mission's human rights office. However, threats and intimidation from unknown sources against domestic NGOs continued during the year.

The number of groups that monitor human rights has grown. Human rights organizations increasingly turned to issues that they had not previously addressed, including prison conditions, the widespread lack of health facilities, and impunity for criminals. Local officials often attempted to control and sought financial support from domestic human rights groups, as well as other local NGOs. Especially in Gonaives, the Les Cayes region and in the Central Plateau, local officials and their supporters often harassed, refused permits to assemble, and threatened NGOs. Some government officials resented international grants to NGOs and asserted that those monies should be available to the Government.

In January, Patrick Merisier, a field monitor covering the south for the NCHR received leaflets at his home, warning that he would be killed if he did not stop his human rights monitoring and radio broadcasts about the subject. On February 22, two men shot Merisier, and he went into hiding. Authorities have not opened an investigation into the case.

On July 24, two HNP and three armed civilians illegally arrested human rights attorney Fleury Lysias, who was beaten when he refused to pay for his release. Upon learning of his human rights affiliations, Lysias' captors broke his arm and damaged his eardrum. Lysias visited the HNP's Inspector General office three times to request a formal investigation into the case. No investigation had taken place by year's end.

At the national and international levels, human rights organizations have been active and effective in monitoring human rights issues, and met frequently with government officials. Human rights organizations, including the Platform of Haitian Human Rights Organizations, the NCHR, the Lawyers' Committee for the Respect of Individual Rights, the Ecumenical Center of Human Rights (CEDH) and the Catholic Bishops' National Commission on Justice and Peace, made frequent media appearances and published objective reports on violations. All reported receiving threats as a result of their work.

In June the OAS began a Special Mission to Haiti to strengthen democratic institutions, with a primary focus on justice and human rights. The resident OAS human rights officers' mandates were limited to training in human rights and strengthening institutional capacity (*see* Section 2.a.).

Investigators made no arrests or progress in the 1999 attempted killing of human rights activist Pierre Esperance, NCHR country director. The HNP's investigation remained open in this case, but by all accounts was inactive.

The Office of the Protector of Citizens (OPC), an ombudsman-like office provided for by the Constitution, received complaints of abuse at all levels of government. From September 2001 to October, the OPC received and investigated 488 complaints and resolved 50. More than half related to police abuse; the others were brought often by government employees and involved labor disputes. The Government did not directly impede OPC investigations but did not always respond to its requests for information. Local human rights organizations did not view the office as an advocate or interlocutor with the Government, and often did not file complaints with the OPC, reporting that OPC did not play an active role following up on human rights complaints. During the year, following the appointment of Necker Dessables, a respected human rights advocate, relations between the OPC and major human rights organizations such as the Platform for Human Rights and the Lawyers Committee for the Respect of Individual Rights (CARLI), improved. In addition to investigating complaints and monitoring prison conditions, the OPC conducted a number of training seminars throughout the year, focusing on civic education in schools and criminal procedure for penal system officials. The OPC had budgetary problems and employed only four investigators.

The Parliament's Justice and Human Rights Committee, created in 2000, did not have a high profile and focused largely on judicial issues during the year.

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

The Constitution does not specifically prohibit discrimination on the grounds of race, sex, disability, language, or social status. It does provide for equal working conditions regardless of sex, beliefs, or marital status. However, there was no effective governmental mechanism to administer or enforce these provisions.

Women.—The law provides penalties for rape and domestic violence; however, the Government did not enforce these provisions adequately. According to women's rights groups, rape and other abuse of women was common, both within and outside marriage. Women's shelters and organizations reported that girls and women in the "quartiers populaires" (slums) like Cite Soleil and Martissant are frequently raped and harassed by local armed thugs. Police authorities rarely arrest the perpetrators or investigate the incident, and the victims sometimes suffer further harassment in retaliation. Natacha Jean Jacques, an adolescent girl from Martissant who was detained in 2000 for murder and then raped by a prison official, had previously filed a police complaint against several young men, including the murder victim, after they sexually harassed and threatened her. After her complaint to the police, the group of young men she had accused went to her house and confronted the girl. According to witnesses, Jean Jacques killed the victim with a knife that one of the men had dropped. She remained incarcerated and had not faced trial by year's end (*see* Section 1.c).

A 1998 study by the Haitian Center for Research and Action for the Promotion of Women documented widespread rape and violence against women. The report also found that many women did not report these forms of abuse due to fear, shame, or lack of confidence in judicial remedies. A 1999 survey by UNICEF of violence against women found that 37 percent of women reported they were victims of sexual violence or reported knowing a woman who had been; another 33 percent reported being victims of other types of physical abuse. There were no government-sponsored programs for victims of violence. The Criminal Code excuses a husband who murders his wife or her partner upon catching them in the act of adultery in his home, but a wife who kills her husband under similar circumstances is not excused.

The law does not prohibit specifically sexual harassment, although the Labor Code states that men and women have the same rights and obligations. Sexual har-

assment of female workers was a problem, especially in the assembly sector (*see* Section 6.b.).

Women do not enjoy the same social and economic status as men. In some social strata, tradition limits women's roles. A majority of peasant women remain in traditional occupations of farming, marketing, and domestic labor. Very poor female heads of household in urban areas also often find their employment opportunities limited to traditional roles in domestic labor and sales. Laws governing child support recognize the widespread practice of multiple-father families but were rarely enforced. Female employees in private industry or service jobs, including government jobs, were seldom promoted to supervisory positions. However, well-educated women have occupied prominent positions in both the private and public sector in the past several years.

The Ministry of Women's Affairs is charged with promoting and defending the rights of women and ensuring that they attain an equal status in society, but had few resources at its disposal and was able to accomplish little in this regard.

Domestic women's rights groups were small, localized, and received little publicity.

Children.—Government health care and education programs for children were inadequate. Malnutrition was a problem; approximately 23 percent of all children under 5 were chronically malnourished. The Government has a school nutrition program, administered through the Office of National Development and supported by foreign donors. Through this program, health clinics and dispensaries have begun to distribute donated food to children.

The Constitution and the law provide for free and compulsory primary education; however, in practice most rural families had no access to public schools. The costs of school fees, books, materials, and uniforms, even in public schools, were prohibitive for most families, and an estimated 90 percent of schools were private. Schools were dilapidated and understaffed. According to the Government, 40 percent of children never attend school; of those who do, less than 15 percent graduate from secondary school. The Ministry of Education estimated primary school enrollment at 65 percent. Poorer families sometimes ration education money to pay school fees only for male children.

Child abuse was a problem. Radio commercials urged parents not to abuse their children physically or mentally. There was some anecdotal evidence that in very poor families, caretakers deprive the youngest children of food to feed older, income-generating children.

In September 2001, Parliament passed a law banning corporal punishment of children, which ordered all schools to post clearly their disciplinary policies. It also called for the establishment of a commission to determine appropriate school disciplinary measures. In practice, corporal punishment was accepted as a form of discipline.

Port-au-Prince's large population of street children included many domestic servants (restaveks) who were dismissed from or fled employers' homes (*see* Section 6.f.). The Ministry of Social Affairs provided some assistance to street children.

Several international and local NGOs worked on children's issues. For example, the Haitian Coalition for the Defense of the Rights of the Child (COHADDE) promotes children's rights by conducting awareness raising activities.

Persons with Disabilities.—The Constitution provides that persons with disabilities shall have the means to ensure their autonomy, education, and independence. However, there was no legislation to implement these constitutional provisions or to mandate provision of access to buildings for persons with disabilities. Given the severe poverty in which most citizens live, those with disabilities faced a particularly harsh existence even though they did not face overt mistreatment. Disabled beggars were common on the streets of Port-au-Prince and other towns.

National/Racial/Ethnic Minorities.—Approximately 99 percent of Haitians are descendants, in whole or in part, of African slaves who won a war of independence from France in 1804. The remaining population is of European, Middle Eastern, North American, or Latin American origin. The law makes no distinction based on race. However, longstanding social and political animosities were often tied to cultural identification, skin color, and overlapping issues of class in a starkly nonegalitarian society. Some of these animosities date back to before the country's revolutionary period.

Racial distinctions tend to parallel social and economic strata. Mulattos generally belong to the wealthiest classes of society. Mulattos historically have been targets of sporadic attacks because they were perceived as wealthy.

The Government recognizes two official languages: Creole, spoken by virtually all Haitians; and French, limited to approximately 20 percent of the population includ-

ing the economic elite. Lack of French-language skills limited access to political and economic opportunities for the majority of the population. Although Creole was used in parliamentary debate in the Lower House of Parliament, the Government prepared most official documents only in French. Language also remained a significant barrier to full access to the judicial system (*see* Section 1.e.). Despite the Government's literacy promotion, many Creole speakers were illiterate.

Section 6. Worker Rights

a. The Right of Association.—The 1987 Constitution and the Labor Code provide for the right of association. Public sector workers are organized pursuant to Article 31 of the 1987 Constitution.

The law protects union activities and prohibits a closed shop. For legal recognition the law also requires that a union, which must have a minimum of 10 members, register with the Ministry of Labor and Social Affairs within 60 days of its formation. The Labor Code does not require prior approval before any association is established. Unions are subject to the same registration requirements as other associations (*see* Section 2.b.). The law prohibits employers, management, and anyone who represents the interests of employers from joining a union.

In theory unions are independent of the Government and political parties. Nine principal labor federations represented approximately 5 percent of the total labor force of approximately 2.8 million persons, including the approximately 2 to 3 percent working in the industrial sector. Union membership has decreased significantly, but remains active in the public sector. Some union representatives asserted that union activists not affiliated with the Government were forced into self-exile.

Several unions have pending grievances over worker rights violations against the Government before the International Labor Organization (ILO) and the International Confederation of Free Trade Unions. These include the National Confederation of Haitian Teachers (CNEH), the Autonomous Central of Haitian Workers (CATH), and the General Independent Organization of Haitian Workers. Three major teachers' unions—the CNEH, the National Union of Trained Teachers, and the High School Teacher's Union—accused the Ministry of National Education of unfair labor practices. They accused the Education Ministry of implementing changes in a labor contract without advance notification or due opportunity to negotiate changes. Public school teachers have not yet received a 32 percent cost of living adjustment that the Minister of Education promised in 1997, and at year's end, had not received a paycheck since October.

Labor unions reported several cases of threats and arrests during the year. Leaders of several major labor confederations reported receiving threats and demands to support the Fanmi Lavalas party. In March police beat members of a textile union demonstrating for compensation after being fired. On May 27, armed supporters of San Raphael municipal authorities attacked a group of Batay Ouvriye activists attempting to organize agricultural workers and negotiate their right to exploit fallow land (*see* Section 2.a.). Two demonstrators and one local official supporter died. Police arrested 11 persons, including 2 journalists. On August 21, all but two labor union leaders, Jeremie Dorvil and Urbain Garcon, were released. They remained incarcerated until December 2, when they were freed. There was no progress in the investigation of the 2000 killing of CATH member Elison Merzilus.

On June 19, the ILO criticized the Government for not having considered the input of the union sector in selecting the June ILO conference delegation. Sector representatives asserted that the Minister of Social Affairs selected only progovernment delegates.

Union leaders asserted that some employers in the private industrial sector dismissed individuals for participation in union organizing activities. In 2000 the ILO criticized the Labor Code for its failure to include a specific provision providing protection against antiunion discrimination at the time of hiring.

Unions may freely form or join federations or confederations and affiliate with international bodies. Each of the principal labor federations maintained some fraternal relations with various international labor organizations.

b. The Right to Organize and Bargain Collectively.—The Labor Code protects trade union organizing activities and stipulates fines for those who interfere with this right but does not provide for reinstatement of workers fired for trade union activities. No fines were issued during the year. Unions generally were free to pursue their goals, although the Government made little effort to enforce the law.

Organized labor activity was concentrated in the Port-au-Prince area, in state enterprises and in the civil service. High unemployment rates and antiunion sentiment among some factory workers and most employers limited the success of union organizing efforts.

Collective bargaining was nonexistent, and employers set wages unilaterally. The Labor Code does not distinguish between industries producing for the local market and those producing for export. Employees in the export-oriented assembly sector enjoyed better than average wages and benefits. However, frequent verbal abuse and intimidation of workers and organizers was a problem in the assembly sector. Female workers in the assembly sector reported that some employers sexually harassed female workers with impunity. Women also reported that while most assembly sector workers were women, virtually all supervisors were men. Workers had access to labor courts (Tribunaux de Travail) set up to resolve common labor-management disputes. The courts function under the supervision of the Ministry of Labor and Social Affairs and adjudicate minor conflicts, but unions stated that the process is inefficient. Seven labor courts operate in Port-au-Prince, and in the provinces plaintiffs utilize municipal courts.

The Labor Code provides for the right to strike, except for managers, administrators, other heads of establishments, and public utility service workers. The Labor Code defines public utility service employees as essential workers who "cannot suspend their activities without causing serious harm to public health and security." There were few public sector strikes during the year. In May hospital residents went on strike to protest lack of supplies and the diversion of existing supplies to administrators. When the Government intervened and provided additional materials, residents resumed work. On November 20, emergency room workers at Port-au-Prince's only public hospital, the Hospital of the State University of Haiti, went on strike protesting a lack of security. That day an armed person entered the emergency room, and searched for and killed a patient admitted the previous evening. The strike was ongoing at year's end and surgical, physician and nursing services had completely stopped.

There were no export processing zones. However, the Government's 5-year economic program calls for the creation of two export processing zones, one in Cabaret and another in Cap Haitien. The Government passed legislation governing free trade zones, and signed an agreement with a Dominican textile company to build a production facility in a newly established free trade zone on the border near Ouanaminthe. Batay Ouvriye vehemently opposed the project and progress has stalled pending legislative authorization of the land concession. The authorization had not been granted by year's end.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced or bonded labor for adults and minors; however, the Government failed to enforce this law for children, who continued to be subjected to forced domestic labor as restaveks in urban households under conditions that amount to slavery (*see* Sections 5 and 6.d.).

Most Haitians who work in the Dominican Republic went there freely; however, there were cases of trafficking rings coercing Haitian workers to work in Dominican sugar cane fields. Internal trafficking in children as restaveks was the most serious problem (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum employment age in all sectors is 15 years, with the exception of domestic service, for which the minimum is 12 years of age. The Labor Code prohibits minors from working under dangerous conditions, and prohibits night work in industrial enterprises for minors under 18. There is also a legal provision for employment of children between the ages of 12 and 16 as apprentices. Fierce adult competition for jobs ensured child labor was not a factor in the industrial sector; however, children under the age of 15 commonly worked at informal sector jobs to supplement family income. Children also commonly worked with parents on small family farms, although the high unemployment rate among adults kept children from employment on commercial farms in significant numbers. The Labor Code prohibits forced and bonded child labor; however, forced child labor was a problem (*see* Section 6.c.). Government agencies lack the resources to enforce relevant laws and regulations effectively. According to COHADDE, children worked primarily as domestic servants (restaveks); however, some worked on the street as vendors or beggars, and some were involved in prostitution (*see* Sections 5 and 6.f.).

The Government designated the Ministry of Labor and Social Affairs' Social Welfare and Research Institute (IBESR) to implement and enforce child labor laws and regulations. The Government did not devote adequate resources and oversight to child labor policies. The budget for the entire Ministry is far below what is needed to fund adequately programs to investigate exploitative child labor cases throughout the country.

The IBESR coordinated efforts with the Ministries of Justice, Education, and Foreign Affairs, as well as local and international agencies, to formulate and enforce

child labor policies. The Government signed a Memorandum of Understanding with ILO/IPEC (International Program for the Elimination of Child Labor) in 1999. IPEC began a Child Labor Project in January 2000, scheduled to end in December, and developed a framework of action focusing on institutional capacity building, prevention through awareness-raising, and direct assistance to victims of child labor. A much-lauded government-sponsored hot line for children in crisis operated only during regular business hours and had limited resources and access to safe shelters. In August NCHR-New York inaugurated a program to prevent the restavek practice, improve living conditions for and rescue these children, and reintegrate them into society (*see* Section 6.f.).

The Government has not ratified and does not adhere to ILO Convention 182 on Child Labor. It has not defined "worst forms of child labor" or "hazardous work."

e. Acceptable Conditions of Work.—The legal minimum daily wage, established in 1995 by the Tripartite Commission of Salaried Workers, whose six members were appointed by the President (two representatives each of labor, employers, and government), is approximately $0.96 (36 gourdes). This wage was insufficient to provide a decent standard of living for a worker and family. Some workers were paid on a piece-rate basis, and may earn more than the minimum wage. The majority of citizens worked in the informal sector and subsistence agriculture, where minimum wage legislation does not apply and wages of $0.40 (15 gourdes) a day were common. Many women worked as domestic employees, where minimum wage legislation also does not apply.

The Labor Code governs individual employment contracts. It sets the standard workday at 8 hours and the workweek at 48 hours, with 24 hours of rest on Sunday. However, HNP officers worked 12-hour shifts 6 days per week, in apparent violation of the Labor Code. The code also establishes minimum health and safety regulations. The industrial and assembly sectors largely observed these guidelines. However, the Ministry of Social Affairs did not enforce work hours or health and safety regulations.

The assembly sector published a voluntary code of conduct in 1999, committing signatories to a number of measures designed to raise industry standards, including payment of the minimum wage and the prohibition of child labor. Employers in the assembly sector generally paid the minimum wage or higher. Working conditions were also generally better in this sector. There were no reports of child labor in this sector.

There was no formal data, but unions allege that job-related injuries were prevalent in the construction industry and public works sectors. With more than 50 percent of the population unemployed, workers were not able to exercise the right to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and internal trafficking of children was a problem. Haiti also was a country of origin for trafficked children. Haitians trafficked overseas were sent largely to the Dominican Republic, the U.S., Europe (mainly France), and Canada. In August UNICEF reported that between 2,000 and 3,000 Haitian children are trafficked to the Dominican Republic each year. The findings are the result of a joint UNICEF/International Organization for Migration (OIM) study. However, most trafficking occurs within the country's borders and involves children. Children were primarily trafficked for labor, but some were trafficked for purposes of prostitution.

Rural families continued to send young children to more affluent city dwellers to serve as unpaid domestic labor in a practice called "restavek" ("lives with" in Creole), and frequently received financial compensation. The practice of sending children, mainly girls, to work as domestic servants in exchange for that child's room and board has existed in the country for centuries. While some restaveks received adequate care including an education, the Ministry of Social Affairs believes that many employers compelled the children to work long hours, provided them little nourishment, and frequently beat and abused them. The majority of restaveks worked in homes where the yearly income was very low, so conditions, food, and education for nonbiological children were not priorities.

In a 1998 study, UNICEF estimated that 250,000 to 300,000 children were victims of this form of servitude, although a government-supported study reported only 90,000 to 120,000 restaveks. UNICEF reported that the average restavek was between 11 and 14 years of age; however, more than 20 percent were between the ages 4 and 10, and 85 percent were girls. Rape by host family members was reported by 23 percent of these girls, 15 percent of whom became pregnant. Nearly 77 percent of all restaveks had never attended school. Among those who had, only 2 percent reached secondary school. The law requires that restaveks 15 years of age and

older be paid not less than one half the amount paid to an adult servant hired to perform similar work, in addition to room and board. To avoid this obligation, employers dismiss many restaveks before they reach that age.

Most local human rights groups did not consider this practice abuse nor did they work to improve the situation of restavek children. The Ministry of Social Affairs claimed little power to stop this practice, which it regarded as economically motivated and citing a lack of financial resources, no longer employed monitors to oversee the welfare of restavek children. Society held such children in little regard.

The Government acknowledged the problem of internal trafficking and took steps to address it, despite severe resource constraints. The Government devoted the bulk of its entire social welfare budget to combating the trafficking of children. For example, the Government ran a media campaign to prevent the mistreatment of children and maintained a hot line for victims. However, these efforts resulted in the removal of less than 200 children from abusive households during the year. Government officials placed rescued victims in shelters and in the care of local NGOs. The ILO, at the Government's request, is developing a framework to address the gap between practice, national legislation, and international standards with regard to combating trafficking in children. There was no evidence that the authorities were complicit in trafficking.

HONDURAS

Honduras is a constitutional democracy, with a president and a unicameral congress elected by separate ballot for 4-year terms. The multiparty political system is dominated by two traditional parties, the Nationalists and the Liberals. In November 2001, voters elected Ricardo Maduro of the Nationalist Party president in elections that domestic and international observers judged to be generally free and fair. The Constitution provides for an independent judiciary; however, the judiciary is poorly staffed and equipped, often ineffective, and subject to corruption and political influence.

The Honduran Armed Forces (HOAF) include the army, the air force, and the navy. A 1999 constitutional amendment established direct civilian control over the armed forces through a civilian Minister of Defense. The amendment also replaced the position of the armed forces commander in chief with that of Chief of the Joint Staff. In 2001 the Organic Law of the Armed Forces solidified civilian control over the military, a process that took a decade. The National Preventive Police (formerly a paramilitary force known as the FUSEP) were placed under civilian control in 1997. The Ministry of Public Security oversees police operations, and the police are responsible for all public security issues. The military are authorized to support law enforcement activities with police upon presidential directive. During the year, nearly half of all military personnel were assigned continuously to joint patrols with police to prevent and combat high levels of criminal and gang activity. The civilian authorities maintained effective control of these joint security forces. The police committed most human rights abuses during the year; however, the military committed abuses in the past.

The market economy is based primarily on agriculture and, increasingly, on the maquiladora (assembly manufacturing for export) industry. The country has a population of 6.5 million. Approximately 33 percent of the labor force works in agriculture, followed by 24 percent in commerce, and 15 percent in manufacturing. The principal export crops are coffee and bananas; these, along with "value added" income from the maquiladora industry and remittances from citizens living abroad, are the leading sources of foreign exchange. Nontraditional products, such as melons, pineapples, and shrimp, play a growing role in the economy. Economic growth remains muted due to record low worldwide coffee prices and sluggish activity in the maquiladora sector. The Central Bank estimated growth for the year at 2.0 percent. About two-thirds of the country's households live in poverty, and 40 percent of the population lives on less than $1.00 per day.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Members of the police committed extrajudicial killings. Well-organized private and vigilante security forces were believed to have committed a number of arbitrary and summary executions. Human rights groups accused former security force officials and the business community of colluding to organize "death squads" to commit extrajudicial, summary, and arbitrary executions, particularly of youth. Security force personnel beat and otherwise abused detainees and other persons. Prison conditions remained harsh, and detainees generally did not receive due process. There was considerable impunity for mem-

bers of the economic, military, and official elite. A weak, underfunded, and often corrupt judicial system contributed to human rights problems. Although the courts considered allegations of human rights violations or common crimes against armed forces personnel, and some cases went to trial, there were few, if any, convictions. While no senior government official, politician, bureaucrat, or member of the business elite was convicted of crimes, a number were under investigation during the year. The Government removed or demoted some military officials, police officers, police agents and investigators, and judges from office on corruption and other charges. With the full implementation of the new Criminal Procedures Code and an oral accusatory system, lengthy pretrial detention in new cases was less common than in the past; however, cases from previous years remained subject to delays. On occasion the authorities conducted illegal searches. Other human rights problems included violence and discrimination against women, child prostitution, abuse of children, discrimination against indigenous people, and trafficking in persons. The Government did not enforce effectively all labor laws. Many workers in the private sector were forced to work unpaid overtime. Child labor was a problem, particularly in rural areas, in the informal economy, and in some export agriculture, but generally not in the export-processing sector. Honduras was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by government agents; however, members of the security forces were suspected of direct involvement in approximately 24 of the estimated 1,250 extrajudicial, arbitrary, and summary killings of youth under age 22 and minors from 1998 to June.

There was a slight improvement in the Government's ability to investigate or prosecute suspects in the killings of children and youth. According to the nongovernmental organization (NGO) Casa Alianza, information on murders collected from press reports show that the average number of killings of children and youth through June increased by 16 percent over the first 6 months of 2001, rising from 197 to 230 murders. During the first 6 months of the year, the average number of killings of children by firearms increased 46 percent from 52 minors in 2001 to 76 in 2002. During the year, no perpetrator was identified in an average of 60–70 percent of the killings; gangs were suspected in 15–20 percent of killings; police, private guards, or neighborhood vigilante groups were suspected in 5 percent of killings, and 10–15 percent of killings were drive-by shootings usually involving a truck, often without license plates. A majority, but by no means all, of the victims were gang members. According to Casa Alianza, 549 children and youth age 23 and under were killed during the year.

In April unknown persons killed two youths and an adult in a sugar cane field outside San Pedro Sula after they were forced into a gray pickup by six heavily armed men dressed in bullet proof vests and showing police identification. One of the youths was suspected by police of gang activity. On May 12, assailants armed with AK-47s who were driving a red pickup in Tegucigalpa, shot and killed two youths, ages 18 and 21, with no known gang or criminal background and wounded three other persons. On September 25, a group of armed men in a pickup murdered five youths in Tegucigalpa, mimicking a 1995 torture and murder of youths. The 1995 case was under consideration by the Inter-American Commission on Human Rights (IACHR) (*see* Section 1.c.).

In a January report on violent deaths of children and youths, the National Human Rights Commission, an autonomous government agency, reviewed the evidence and interviewed youths in detention who had been threatened or who had survived an attempted killing. Those who survived attacks identified the perpetrators as police or as heavily armed older men in vehicles who would either confuse the victims with gang signs or ask victims to take off shirts to show whether the victims had gang-related tattoos. In early September, the Ministry of Public Security established a special investigative unit on child murders to follow through on cases. Casa Alianza provided information on 15 cases of murders of minors in which police were suspected of involvement. As a result of the investigations, in October the authorities arrested Walter Enrique Moncada Duarte, a former policeman, for the 1999 murder of minor Alexander Reyes. In September the IACHR Special Rapporteur for Children visited the country to review the situation of extrajudicial, arbitrary, and summary killings of youths and children. In September the U.N. Special Rapporteur on Extrajudicial, Arbitrary, and Summary Executions released a re-

port based on her August 2001 visit that claimed that security forces were involved in covering up their involvement in some of the summary killings of youth and children, and that some of the murders involved police. In October a special inter-agency Presidential Commission, consisting of the Ministry of Justice and government, the Attorney General, the Institute for Family and Children, the Human Rights Commission, and the nongovernmental Institutional Coordinator of Child Rights Group issued a report that identified 574 cases of summary killings of minors and 18-year-olds, of which 140 occurred in the first half of the year and 276 occurred in 2001. Despite increased attention to the problem by the Government, perpetrators of killings against youth and minors continued to act with impunity.

Human rights groups alleged that individual members of the security forces worked with civilian (including vigilante) groups and used unwarranted lethal force against supposed habitual criminals or suspected gang members, as well as against other youths not known to be involved in criminal activity. Several groups and families of the victims pushed for investigations into specific incidents, while others claimed to have provided public prosecutors with evidence of collusion between police elements and business leaders with regard to these murders. The Ministry of Public Security, which was the focus of human rights criticism, publicly denied accusations that the police force as a whole was involved in extrajudicial killings, although it acknowledged that individual police had been investigated for participation in extrajudicial killings.

In September the Director of Internal Affairs of the police force announced that she would continue investigating high-level officials whom she alleged had been involved either directly or indirectly in at least 20 extrajudicial killings, not necessarily of youths, over the previous 4 years (*see* Section 1.c.). During the year, the authorities sought or detained a number of police officials for their involvement in the killings of various individuals, some of whom were minors. There is an outstanding arrest warrant for police officer Juan Carlos Bonilla who is wanted for suspected involvement in an extrajudicial killing. At year's end he had not been arrested.

On August 26, presumed members of an organized crime gang, the Barrera Herrera brothers, killed human rights activist Jose Santos Callejas, treasurer of the local office of the national NGO Human Rights Committee, in his home near the city of La Ceiba. Preliminary investigations indicated that the gang had threatened Callejas after he positively identified them to the police as having committed a murder. Police authorities and the Human Rights Committee were investigating the involvement of individual police officers in Callejas' killing. At year's end, no suspects had been captured.

In May a minor died in custody, supposedly of asthma. He showed signs of mistreatment, and there was no autopsy. The Ministry of Public Security reported that the minor had been in the custody of the Public Ministry. No action had been taken by the end of the year. In May prison guards shot and killed three prisoners during a prison riot between gangs and the regular prison population in Choluteca. There were a number of other deaths due to prison violence (*see* Section 1.c.).

There were no developments in the February 2001 murder case of the son of a Potrerillos, Cortes department, mayoral candidate and his friend.

There was no more information on the November 2001 case of police involvement in the killing of the Chorti indigenous person Isidro Geronimo during a demonstration.

At year's end, no suspects were under arrest for the November 2001 murder of Nationalist Party congressional candidate Angel Pacheco Leon in Valle department.

In April the courts sentenced policeman Cesar Montoya to 6 year's imprisonment for the January 2000 killing of 17-year-old Edie Donaire. Police agents illegally detained the boy, handcuffed him for 2 days, and shot him in the legs when he attempted to escape. He then bled to death. This was the first sentence imposed for the murder of a minor since tracking of the youth killings began in January 1998. However, Casa Alianza protested what it alleged was a light sentence. In September the courts sentenced a policeman to 24 years in prison for the 1995 rape and murder of a 14-year-old street child. These two sentences signaled a reversal in the trend of impunity for police officials in extrajudicial killings.

Approximately 20 active and former military and police officials continued to face criminal charges on human rights abuses during the 1980s in various courts during the year. Most officials were accused of illegal detention and murder because disappearance is not a crime under the new or previous criminal codes (*see* Section 1.b.). Human rights abuses committed before March 1985 are adjudicated under the 1906 Criminal Code. Crimes after that date were prosecuted and judged under the new Criminal Code as revised in 1997 and 1999. Courts do not accept cases if the body of the victim has not been recovered and positively identified. An identified

body allows families and human rights organizations to bring a case of suspected human rights abuse to court. There were no exhumations of clandestine graves during the year. Human rights organizations believed that more uncovered graves do exist; however, they need to have sufficient evidence to identify the buried bodies in suspected graves to improve the likelihood of successful prosecution. Human rights organizations continue to seek information using grass-roots contacts and other sources outside the Government that would lead to exhumations that would advance prosecutions.

In May and July, police arrested Jose Angel Rosa and Jorge Adolfo Chavez Hernandez, a former member of Battalion 3–16, for the 1998 murder of environmental activist and Catacamas town councilman Carlos Antonio Luna Lopez. The arrests occurred after both the prosecuting attorney and judge in the case received death threats. In May the local judge resigned from the court because of these death threats. At the end of the year, former security official Jose Marcos Hernandez Hernandez and two other suspects remained at large. One other suspect in the murder, Oscar Aurelio "Machetillo" Rodriguez Molina, remained in prison at year's end.

Various witnesses, survivors, and former HOAF personnel charged that members of the now-disbanded army Intelligence Battalion 3–16 kidnaped, tortured, and killed many of the 184 persons who disappeared during the 1980s. The Public Ministry was not able to bring new cases to court due to lack of evidence (*see* Section 1.b.).

There was no action in the 1988 political murders of social activists Miguel Angel Pavon and Moises Landaverde; in 2000 a court issued an arrest warrant for suspect Jaime Ramirez Raudales, also known as Jaime Rosales, a former member of Battalion 3–16; however, he remained at large at year's end. Mario Astrubal Quinonez, another suspect in the murders, was presumed dead after a 1998 hurricane swept away the neighborhood where he lived.

The 1982 case of Nelson MacKay Echevarria and Miguel Francisco Carias is one of the best-documented cases and includes witnesses; however, charges against both of the retired officials accused in the case were dropped. In 2001 a judge dismissed charges against retired Colonel Alexander Hernandez Santos due to insufficient evidence for the illegal detention and murder of MacKay, as well as charges stemming from the kidnaping of Carias, who was found alive next to MacKay's corpse (*see* Section 1.c.). In January Hernandez Santos was released from prison when charges in the Avilez and Espinoza case were dismissed temporarily and charges in the illegal detention and attempted murder of six university students were reduced (*see* Section 1.c.). Charges against retired Major Manuel de Jesus Trejo Rosa were dismissed and Trejo Rosa was released from prison in 2001.

No information was available regarding the Public Ministry's appeal to reinstate charges against retired General Daniel Bali Castillo and retired Colonel Manuel Enrique Suarez Benavides for the 1982 deaths of Adan Avilez Funez and Nicaraguan citizen Amado Espinoza Paz. In January Alexander Hernandez Santos, also wanted for involvement in the murders, was freed on bail due to a lower court's decision. In May the appeals court overturned the lower court's decision and reissued an arrest warrant for Hernandez Santos, who was also implicated in the MacKay murder and the kidnaping of six university students (*see* Section 1.c.). At the end of the reporting period, Santos remained at large. In early May, the Choluteca district court reissued a 1996 arrest warrant for Juan Evangelista Lopez Grijalba, but subsequently rescinded it in late May for lack of evidence. The Public Ministry appealed the decision, but the appeals court upheld the lower court's decision. The Public Ministry then appealed the appeals court ruling to the Supreme Court, where it was pending at year's end. The case against former police Major Marco Antonio Matute Lagos was dismissed for lack of merit in 1999.

Former security officials Jose Marcos Hernandez Hernandez, Dimas Carvajal Gomez, German Antonio McNeill Ulloa, and Juan Blas Salazar Meza remained in custody during the year to begin trial proceedings for the 1982 murder of student activist Luis Manuel Figueroa in Choluteca department. On April 22, Salazar Meza turned 60 and thus was eligible to be transferred to house arrest. He was released from prison after paying a $3,000 (50,000 Lempiras) fine on an unrelated drug trafficking conviction. The case went to full trial review, and the four officials were awaiting sentencing at the end of the year. Salazar Meza also was questioned for his involvement in the kidnaping of six university students (*see* Section 1.c.).

In the July 1982 murder case of university student Hans Madisson, the Public Ministry requested that the Canadian government provide testimony of witnesses who had fled the country and applied for asylum in Canada. At year's end, the Public Ministry had not received a response to the request for further DNA testing to identify positively the body and to continue the case against Captain Billy Joya Amendola, which was dismissed for lack of evidence in May 2001. There was no in-

formation available regarding the Public Ministry's appeal of a 1999 ruling by a lower court that found former army Chief of Staff Oscar Hernandez Chavez not guilty in the same case.

During the year the Public Ministry charged Jose Barrera Martinez, a witness in cases related to Billy Joya Amendola and Alexander Hernandez Santos, with providing false testimony. Barrera rescinded his original written testimony regarding clandestine graves and human rights cases, which he used to request asylum in Canada. When Barrera was deported from Canada in 2001, he declared that his original testimony was false, even though that information led to the uncovering of clandestine gravesites.

Violent crime continued to fuel the growth of private, often unlicensed guard services, and of volunteer groups that patrolled their neighborhoods or municipalities to deter crime. During the year there was an average of 3 to 10 violent deaths per day. Vigilante justice led to the killing of known and suspected criminals, as well as of youth in gangs, street children, and youth not known to be involved in criminal activity (*see* Section 5). Neighborhood watch groups called Citizen Security Councils (CSCs) originally were authorized by a previous Minister of Security, and some of them were accused of taking the law into their own hands. Human rights groups criticized the CSCs, which they viewed as active participants in the increasing number of unlawful and summary killings. Human rights activists continued to state publicly their belief that some of the CSCs, as well as private security companies with ties to former military or police officials, were acting as vigilantes or death squads, especially targeting youth, with the tacit complicity of the police. According to human rights groups, the CSCs with the greatest number of incidents of violent deaths committed by vigilante committees were in the municipalities surrounding San Pedro Sula. The Ministry of Public Security announced that it would work with city officials to assure that vigilante committees not operate with official support. In June the Ministry of Public Security announced that all arms, including those of private security firms, would have to be registered.

In September the Attorney General declared that violent deaths overall were 10 percent less than the previous year. He rejected the idea that death squads were involved in killing youth and children; however, he acknowledged that individual police and vigilante groups were involved in some killings.

Several "murders for hire" occurred during the year, usually related to land disputes or criminal activities. In April four landless farmers were killed and one guard was injured when the farmers attempted to take over land also claimed by a subsidiary of an international company. There was no information on the proceedings at year's end.

No more information was available regarding the 2001 murders of the Peralta Torres family, farmers' cooperative president Felix Roque, or Carlos Flores, nor the suspicious death of farmers' cooperative president Jose Antonio Santos Lopez. There were no developments in the 2000 murder cases of social activist Jairo Amilcar Ayala Nunez; community leader Ruben Elvir; forestry cooperative officials Marciano Martinez Ramirez and Victor Manuel Almendares; or of the 2000 murders of Concepcion Alvarez and his family, Copan mayor Hugo Alvarado, or the 1999 murder of Cabanas mayor Juan Ramon Alvarado—all of whom were killed in land disputes.

No more information was available on the March 2000 murders of Chorti indigenous Vicente Ramirez, Enecon Ramirez, Antonio Garcia, and Domingo Mejia.

The October 2000 complaint filed by Casa Alianza with the IACHR regarding the illegal detention and murder by police of four youths in 1995 remained under investigation by the Commission at the end of the year. During the year, Casa Alianza appended a 1998 case to the 1995 IACHR complaint for the torture and murder of two minors in Progreso in which police were suspected of involvement. Casa Alianza had a total of six cases before the Commission.

In December the authorities reported that gang members killed at least 10 police officers during the year. On November 17, members of a gang shot and killed a police investigator near his home in Comayaguela. A search led to the capture of 5 gang members in possession of a list containing the names of approximately 20 police officers that they had allegedly planned to kill in the next few days.

b. Disappearance.—The law does not prohibit forced disappearance; however, there were no reports of disappearances during the year.

There were no developments in the June 2001 case of former guerrilla Rigoberto Martinez Lagos. He was seen last leaving his house in Tegucigalpa to meet a police investigative agent regarding a stolen car. According to human rights groups, when his wife called the telephone number that he had provided, she spoke with police who assured her that he would return.

In cases where significant information is available, but no body has been identified, the Public Ministry's Human Rights office attempts to uncover evidence that

could lead to clandestine graves. During the year, the Public Ministry requested information on the 1988 disappearance of student activist Carlos Roberto Velasquez Ilovares from the HOAF, but the Ministry found nothing. Only a few bodies were found of the 184 persons who have been documented as disappearances. There was no change in status in the 1988 disappearance of Roger Gonzalez Zelaya or the 1981 disappearance of Jose Eduardo Lopez.

There were no exhumations during the year. The courts adjudicated some pending cases involving political disappearances from the 1980s as murders (*see* Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, there were isolated instances in which officials employed such practices. In addition, police beatings and other alleged abuses of detainees remained problems.

The police force, which includes the Preventive Police and the Criminal Investigative Unit (DGIC), is subject to investigation by the Internal Affairs office regarding illegal activities. The Internal Affairs office reports to the Attorney General's office, where a decision is made either to prosecute the offender or to return the case to the Minister of Security for administrative action. The Preventive Police and the DGIC each have an Office of Professional Responsibility (OPR), which conduct internal reviews of police misconduct such as off-duty criminal conduct and ethics violations. An OPR ruling is reported to the Minister of Security, who can take disciplinary action or direct a supervisor to decide upon disciplinary action for minor infractions. During the year, the Minister of Security moved the OPR to a limited access area, which drastically reduced the number of complaints that individuals lodged against police during the year.

The Ministry of Public Security fired more than 300 police personnel in both the DGIC and the Preventive Police for corruption, criminal activity, and abuse of authority. During the year, the Organic Police Law was enacted, which allows security officials and agents to be fired without requiring proof of incompetent, corrupt, or abusive behavior. In September the Director of Internal Affairs of the police force announced that high-level officials had been involved either directly or indirectly in at least 20 extrajudicial killings of presumed delinquents (*see* Section 1.a.). At the end of the reporting period, the Attorney General's office had begun bringing some cases to prosecution. During the year, the Public Ministry also investigated complaints of prison abuse.

A public feud between the Public Ministry and the Security Ministry continued to create friction. While local prosecutors were able to work in police stations, they did not always maintain good relations with the police investigators.

No more information was available regarding the three army officers who were under investigation for having beaten and threatened eight recruits in 2000.

In June 2000, the Supreme Court ruled that illegal detention and attempted murder, of which some military officials were accused, were not covered by the 1987 and 1991 Amnesty Laws, a ruling that allowed for the criminal prosecution of military officers accused of the 1982 kidnaping and torture of six university students (*see* Section 1.e.). As a result of the ruling, amnesty laws were no longer applicable in this case for: Alexander Hernandez Santos, Juan Blas Salazar Meza, Manuel de Jesus Trejo Rosa, Juan Evangelista Lopez Grijalba, retired Captain Billy Hernando Joya Amendola, retired General Amilcar Zelaya Rodriguez, Roberto Arnaldo Erazo Paz, Jorge Antonio Padilla Torres, and Colonel Julio Cesar Funez Alvarez.

In November 2001, the court reduced the charges faced by retired Colonel Alexander Hernandez Santos to illegal detention only, and dropped the charges for attempted murder, for his participation in the kidnaping and torture of six university students in 1982. In January Hernandez was released from prison; however, he is wanted in the 1982 Avilez and Espinoza murders (*see* Section 1.a.). At year's end, Juan Blas Salazar Meza was under house arrest and being questioned for his participation in the illegal detention of the six students. He did not qualify for bail because he was awaiting sentencing in the 1982 murder of Luis Miguel Figueroa (*see* Section 1.a.). At year's end, retired Captain Billy Joya Amendola was free on bail while awaiting further questioning. In May the District Attorney's office requested that the court issue arrest warrants for two retired colonels, Juan Evangelista Lopez Grijalba and Julio Cesar Funez Alvarez, in the case of the six university students, but the courts had not issued the requested arrest warrants by year's end. Retired General Amilcar Zelaya Rodriguez, the owner of the property in the Amarateca Valley of Francisco Morazan department where the 1982 incidents occurred, was under house arrest at year's end, under charges of complicity. During the year there was an outstanding arrest warrant for Roberto Arnaldo Erazo Paz. Manuel de Jesus Trejo Rosa was released on bail in 2000. Charges against Jorge Antonio Padilla Torres were dropped in 2001 due to lack of evidence. All charges

against Juan Ramon Pena Paz were dropped; he was accused wrongly because he shared the same last name as another suspect.

The Public Ministry's appeal of the decision to drop charges against Alexander Hernandez Santos and Manuel de Jesus Trejo Rosa for the 1982 kidnaping of Miguel Francisco Carias was pending at year's end (*see* Section 2.a.).

Police occasionally used force against demonstrators; in May and in August, a number of persons were injured (*see* Section 2.b.).

In May the December 2001 Police and Social Order Law took effect. The new law defines the different roles of national and municipal police and describes the activities that police undertake. The law outlines when police can use force and when they should assist citizens, limits how demonstrations can be carried out (*see* Section 2.b.), gives authority to police to remove landless farmers who take over land, and defines public order. It allows prostitution, but outlaws brothels, madams, and pimps, while offering rehabilitation (*see* Section 5). The law permits police to detain gang members, drunkards, truants, and vagrants without warrants, and to fine parents who deny education to their children. During the year, police carried out two operations in June and September in which they rounded up 200–300 minors and adults loitering in the streets and detained them for a day, putting the adults to work on street cleaning. Human rights and gay rights organizations criticized the new law, alleging that it restricted freedom of assembly.

In a number of instances, the security forces actively dislodged farmers and indigenous groups from lands in dispute. Sometimes this government action was legitimate, because the National Agrarian Institute (INA) did not substantiate the farmers' and indigenous groups' claims under land reform laws or ancestral titles. In other cases, the action taken in support of local landowners who exercised undue influence over local security officials, including in some cases obtaining a legal order when the justification for the order was questionable (*see* Sections 1.a., 1.f., and 5).

The police forces are underfunded, undertrained, and understaffed, and corruption is a serious problem. There is widespread public frustration at the inability of the security forces to prevent and control crime. During the year, under the new administration, police and military jointly patrolled the streets and petty crime fell significantly. While gang violence and intimidation on the streets declined, gangs continued to intimidate, threaten, and rob passengers on public transportation. Kidnapings of the wealthy and well-known continued at the same rate as in 2001, but more perpetrators were identified and prosecuted compared with the previous year. While investigation into crimes improved during the year, the public continued to believe that corrupt security personnel were complicit in the high crime rate (*see* Section 1.a.).

The Law of the Rehabilitation of the Delinquent establishes regulations for prison conditions, including minimum conditions of sanitation and security for prisoners; however, prison conditions were harsh and prison security was poor. The Ministry of Public Security maintains prison facilities. Retired military officers work as guards in some areas, and some Preventive Police are used as guards. Prisoners suffered from severe overcrowding, malnutrition, and a lack of adequate sanitation, and allegedly were subjected to various other abuses, including rape by other prisoners. Pretrial detainees generally were not separated from convicted prisoners. The 24 penal centers held over 12,500 prisoners, more than twice their intended capacity; more than 88 percent of all prisoners were pretrial detainees (*see* Section 1.d.). Prison escapes, through bribery or other means, remained a frequent occurrence. In May prison guards shot and killed three prisoners in a prison riot between gangs and the regular prison population in Choluteca. About 3 percent of prisoners were thought to be gang members.

Prison disturbances, caused primarily by harsh conditions and intergang violence, occurred throughout the year in the larger facilities of San Pedro Sula, Tegucigalpa, and Choluteca. A number of gang members were killed in prison, reportedly by other gangs. In January convicted kidnaper Javier Cruz was found hanged in his cell in San Pedro Sula; a criminal court was investigating the incident at year's end. There were no developments in the two San Pedro Sula prison hangings from 2001. During the year, prison authorities continued to move prisoners of opposing gangs into different facilities to reduce intergang tensions and violence.

More often than not, for lack of alternative facilities, wardens housed the mentally ill, although there is a National Mental Hospital, and those with tuberculosis and other infectious diseases among the general prison population. In July the National Human Rights Commission and the Special Prosecutor for Human Rights accused prison officials of using excessive force against prisoners. Practices reported include beatings, isolation, threats, electric shocks, and immersion in water.

A 2001 National University's Medical College study reported a 7 percent HIV/AIDS infection rate among prisoners. Male prisoners with money routinely bought

private cells, decent food, and permission for conjugal visits, while prisoners without money often lacked basic necessities, as well as legal assistance. The prison system budgets about $0.50 (8.13 lempiras) per day for food and medicine for each prisoner. Prisoners were allowed visits and in many cases relied on outside help to survive, as the prison system could not provide adequate or sufficient food.

During the year, the warden of the Tela prison who was accused of abusive treatment was moved to a different position.

The NGO Human Rights Committee continued government-funded programs to train police and prison personnel to avoid committing acts of torture, to train and rehabilitate prisoners, and to arrange for periodic inspections of prisons. The Center for the Prevention, Treatment, and Rehabilitation of Victims of Torture and Their Families provided health and social services to prisoners in the main penitentiary in Tamara.

The Government delayed its plan for a model prison farm due to budget constraints.

Women generally were incarcerated in separate facilities under conditions similar to those of male prisoners; however, female prisoners do not have conjugal visit privileges. Four percent of the prison population was female. Children up to age 2 can live with their mothers in prison.

The Government operates juvenile detention centers in Tamara, El Carmen, and El Hatillo; all are located in or near Tegucigalpa or San Pedro Sula. Although there was a lack of juvenile detention facilities, minors were detained infrequently in adult prisons. In May a minor died of asthma while being held in an adult cell (*see* Section 1.a.). Casa Alianza reported that the Government responded quickly to complaints of minors in adult prisons and no longer routinely housed juvenile offenders in adult prisons. The Government and Casa Alianza agreed to earmark $182,000 (3 million lempiras) compensatory payments under an IACHR agreement to assist juvenile offenders. Approximately 24 of the 300 juvenile offenders who served time in adult prisons from 1995 to 1999 were compensated.

There were no developments in the Casa Alianza complaint to the Inter-American Court of Human Rights regarding four minors tortured in a Comayagua prison in 1990.

The Government generally permitted prison visits by independent human rights observers. The 2001 order by the General Director of Prisons barring access to district attorneys had not been implemented by the end of the year.

d. Arbitrary Arrest, Detention, or Exile.—The law provides for protection against arbitrary arrest and detention; however, the authorities occasionally failed to observe these prohibitions. The law states that the police may arrest a person only with a court order, unless the arrest is made during the commission of a crime, and that they must clearly inform the person of the grounds for the arrest. The Preventive Police detain suspects and can investigate only petty crimes. The police must bring a detainee before a competent authority within 24 hours; the judge or district attorney then must issue an initial, temporary holding order within 24 hours, make an initial decision within 6 days, and conduct a preliminary investigation to decide whether there is sufficient evidence to warrant further investigation. Less stringent rules of detention apply when the police catch a suspect in a criminal act; in that case, the authorities may hold a suspect for up to 6 days before a temporary holding order is issued.

While bail is legally available, it is granted primarily for medical reasons; however, procedures in such cases are confused and unclear. Poor defendants, even when represented by a public defender, seldom are able to take advantage of bail (*see* Section 1.e.). Lengthy pretrial detention was a serious problem; during the year, an estimated 88 percent of the prison population was awaiting trial and sentencing (*see* Section 1.c.).

The 1996 Unsentenced Prisoner Law mandates the release from prison of any detainee whose case has not come to trial and whose time in detention exceeds the maximum prison sentence for the crime of which he is accused. However, the antiquated criminal justice system, judicial inefficiency and corruption, and lack of resources clog the criminal system with pretrial detainees, many of whom already have served time in prison equivalent to the maximum allowable for the crime of which they were accused. In April 2000, the Government estimated that as many as 3,017 prisoners qualified for release under the Unsentenced Prisoner Law, that 3 officers were required to monitor each detainee, and that the annual cost of enforcing this law was approximately $6.7 million (100 million lempiras). The Criminal Procedures Code that went into full effect in February limits pretrial detention to 1 year if the greatest penalty for a crime is less than 6 years and to 2 years if the penalty for the crime is 6 years or greater. The Code is not retroactive, so individuals who have already served their sentence but whose case has not been re-

viewed will remain in jail until the judge reviews the case. Many prisoners under the old system remained in jail after being acquitted or completing their sentences, due to the failure of responsible officials to process their releases. The new Code allows house arrest until trial of persons over the age of 60 accused of nonfelony crimes, women who are pregnant or lactating, and the terminally ill.

Neither the Constitution nor the Legal Code explicitly prohibits exile, but it was not used as a means of political control.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary was poorly staffed and equipped, often ineffective, and subject to corruption. While the Government respected constitutional provisions in principle, implementation was weak and uneven in practice. A number of factors limited the effectiveness of the system. Both the judiciary and the Public Ministry suffered from inadequate funding; low wages and lack of internal controls made judicial and law enforcement officials susceptible to bribery; and powerful special interests still exercised influence and often prevailed in the courts. Many elected politicians enjoy constitutional immunity due to the privilege of their office. During the year the full application of the Criminal Procedures Code and the establishment of a new Supreme Court slightly improved the judicial system.

The Constitution provides for the right to a fair trial. This right improved in practice over the year with the full implementation of the Criminal Procedures Code. The new code establishes an oral accusatory system to replace the written, inquisitorial trial system for all new criminal cases. Trials are decided by three judges, one at each stage of the trial. The new system allows for plea-bargaining and for all indigent suspects to have appointed legal counsel. The Government began oral proceedings in May. The new code works on the basis of the presumption of innocence, the right to a public trial, and respect for the dignity and liberty of the accused. It also expressly prohibits incarceration without a judicial order. Since the implementation of the new code, there was some improvement in the legal system's fairness toward those charged with crimes.

An accused person has the right to an initial hearing by a judge, to bail, to an attorney provided by the State if necessary, and to appeal. The rights of defendants often were not observed under the 1984 Code. Under the 1984 Code, all stages of the trial process were conducted in writing and, at the judge's discretion, could be declared secret and, thus, even less public than normal. All trials are public under the new Code.

The April 2001 constitutional amendment to restructure the Supreme Court and create an independent judiciary took effect during the year. In January a special nominating committee representing 5 sectors of civil society (one representative each from labor unions, employer associations, civil society, the bar association, and the human rights ombudsman), selected 45 nominees from more than 200 applicants for a new 15-member, seven-year-term Supreme Court. The Congress then selected 15 judges from the 45 nominees, and on January 25, the magistrates took the oath of office. The Supreme Court, in turn, names all lower court judges. There are 10 appeals courts, 67 courts of first instance with general jurisdiction, and 326 justice of the peace courts with limited jurisdiction. Human rights groups expressed concern that the 8–7 split between the Nationalist and Liberal Parties on the court was not likely to depoliticize Supreme Court appointments. In May the courts were reorganized to divide case management into two systems, one following the old, written administrative court procedures, and the other following the new, oral accusatorial method of the Criminal Procedures Code. During the year, 35 percent of 140,000 pending cases under the previous procedure were dismissed or resolved; however, no system was in place to release pretrial detainees affected by the closure of these cases. Through September the new system registered 8,000 cases, of which 800 were in trial proceedings at year's end. On November 5, the Supreme Court named a new Court of Appeals in Tegucigalpa, after having ousted the entire three-member court on October 23 in the midst of allegations of corruption and impropriety. The Supreme Court also replaced judges in San Pedro Sula who were accused of corruption.

On December 4, the Supreme Court took the first step in analyzing constitutional amendments proposed by Congress that would give Congress unfettered power to interpret the constitutionality of laws that it passes. The Constitutional Chamber of the Court asked Congress to explain why it attempted to alter the Constitution in a manner that ostensibly usurped traditional judicial authority. If the amendments become effective, the judiciary will lose its authority to construe the Constitution, and Congress will be free to interpret the constitutionality of laws with a two-thirds majority vote. In November the National Human Rights Commission filed a lawsuit asking that the Supreme Court declare the proposals unconstitutional and in violation of the separation of powers provision in the Constitution.

The new Criminal Procedures Code gave the Public Ministry the responsibility to initiate criminal proceedings but left the investigative police in charge of investigations. Under the old system, which remained in effect for crimes committed before February, judges were in charge of investigations, as well as of trials and sentencing. Under the 1984 Code of Criminal Procedures, judges, the police, public officials, and individual citizens can initiate criminal proceedings. The lack of clear duties under the 1984 code created friction between the police and the prosecutors after the establishment of the Public Ministry in the mid-1990s.

Under the 1984 code, defendants and their attorneys were not always genuine participants in the process, despite rights accorded under law. Defendants could confront witnesses against them and present evidence on their own behalf, but only through the judge. By law defendants and their attorneys were entitled to review government-held evidence relevant to their cases, but this right was not always respected in practice. The 1999 Criminal Procedures Code, fully implemented in February, provides defendants with additional rights that reduce their likelihood of being detained, including strict timelines for actions during the criminal process, which some critics warn may reduce the conviction rate of hardened criminals. Public officials assert that the new code will reduce the number of pretrial detainees and will establish procedures so that detainees will not be held in prison beyond their maximum prison term.

A public defender program provides assistance to those unable to afford an adequate defense. There are over 200 public defenders providing free legal services nationally to 50 percent of the prison population; however, it is difficult for public defenders to meet the heavy demands of an unautomated, inadequately funded, and labor-intensive criminal justice system. Under the Criminal Procedures Code cases can be dismissed if a suspect does not have legal representation. Of all oral trials processed during the year, 83 percent of defendants used public defenders. The demands placed on the public defender system severely overtaxed its resources.

A 1998 Supreme Court instruction held judges personally accountable for reducing the number of backlogged cases. The order separates judges into pretrial investigative judges and trial and sentencing judges. The Court also created a program to monitor and enforce compliance with these measures. The Court's instruction was intended to ensure more effective protection for the rights of the accused to a timely and effective defense. It had little effect under the old system, but the new Criminal Procedures Code allows for plea-bargaining to reduce the caseload and to prioritize serious crimes for prosecution.

Modest progress was made in previous years toward implementing a judicial career system to enhance the qualifications of sitting judges; depoliticize the appointment process; and address problems of corruption, clientism, patronage, and influence-peddling within the judiciary. Nonetheless, many courts remain staffed by politically selected judges and by unqualified clerks who are inefficient and subject to influence from special interests. The reforms have not been implemented fully or effectively. Public accountability or official sanction for misconduct is minimal. However, the Supreme Court dismissed more than 19 judges on various charges, including corruption, during the year.

A special prosecutor and a judge investigating the 1998 murder of a town councilman reported receiving death threats (*see* Section 1.a.).

The Supreme Court's rulings on the 1987 and 1991 amnesty laws declared its application unconstitutional for nine military officials accused in the illegal detention and attempted murder of six university students. In 1998 the Court determined that while the amnesty laws were constitutional, amnesty appeals would have to be decided on their individual merits. In June 2000, the Court first ruled that laws providing amnesty protection to present and former military officials were inapplicable to common crimes, such as illegal detention and homicide, which some officials were alleged to have committed. In August 2000, the court clarified its June ruling by applying it only to the 1982 illegal detention and attempted murder of six university students (*see* Section 1.c.). It held that the amnesty laws would continue to apply to all military defendants until specific grounds for exclusion of amnesty were applied in that case. The general interpretation of the Court's rulings is that the accused cannot request amnesty until the case has been brought before a judge and the judge has begun deliberations. Thus, military officials may request amnesty, but only if the case has gone to trial. The Public Ministry has the right to challenge the applicability of those laws to specific investigations of past human rights abuses.

By the end of the year, the new Supreme Court had not yet ruled on the appeal by the defense to reduce charges of attempted murder brought against Alexander Hernandez in the case of the six university students. Two other officials received reduced sentences and were let out on bail when previous Supreme Courts ruled

that attempted murder could not be proven, thus establishing that no one could be charged with the crime (*see* Section 1.c.).

The Constitution provides broad immunity to members of Congress and government officials. Membership in both the National Congress and the Central American Parliament confers legal immunity from prosecution. That immunity extends to candidates running for office and to acts committed before taking office. An April 2000 General Law of Immunities did little to foster transparency and accountability in government. In fact, the new law requires that cases of white-collar crime brought against public officials with immunity first must be adjudicated through administrative procedures before any criminal proceedings are initiated. In addition, the new law bestows immunity to citizens upon party nomination to run for public office. The law continues to require a vote of Congress to deprive an individual of his or her immunity, although such individual may be arrested if caught in the act of endangering the life or physical integrity of another. During the year, government authorities asked Congress to remove the immunity of 34 Congresspersons and Central American parliamentarians. Only Congressman David Romero was stripped of his immunity to face charges of raping his stepdaughter. A warrant was out for his arrest, but he was at large at year's end.

Over the past 8 years, the Public Ministry has taken steps to investigate and charge not only military officers for human rights violations, but also recently retired heads of the armed forces for corruption, illicit enrichment, and white collar crimes, as well as ranking officials of the three previous governments for abuses of power, fraud, and diversion of public funds and resources. However, at year's end, very few of those accused had been tried or convicted. Some of these individuals maintained immunity from prosecution because they were in elected office or are running for office.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution specifies that a person's home is inviolable, that persons employed by the State may enter only with the owner's consent or with the prior authorization of a competent legal authority, and that entry may take place only between 6 a.m. and 6 p.m. There is an exception that allows entry at any time in the event of an emergency or to prevent the commission of a crime. In May President Maduro decreed that kidnaping constituted an immediate threat, and that no arrest warrant was needed if the kidnaped person's life was in danger. In June as a result of a high profile kidnaping and murder, the Government decreed that searches could be executed without warrants and at any hour when someone's life was threatened. However, as in previous years, there were credible charges that police personnel failed at times to obtain the needed authorization before entering a private home. Coordination among the police, the courts, and the Public Ministry remained weak; however, it improved when the prosecuting attorneys expanded their work day to include nights and weekends.

In a number of instances, private and public security forces actively dislodged farmers and indigenous groups who claimed ownership of lands based on land reform laws or ancestral titles to property (*see* Section 5). In May four farmers in Balfate, Atlantida department were killed when trying to establish a land claim on property owned by a subsidiary of a multinational company. A number of farm cooperatives experience constant threats of dislocation from local police and military authorities who support local landowners. In the past, some individuals who lost disputed lands to farmer cooperatives as a result of government adjudication killed cooperative leaders.

The Government generally respected the privacy of correspondence.

Despite reforms to the civil service system, party membership is often necessary to obtain or retain government employment.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the authorities generally respected these rights in practice, with some important exceptions. The new Police and Social Order Law restricts demonstrators from using statements that could incite people to riot. Some journalists admitted to self-censorship when their reporting threatened the political or economic interests of media owners. A small number of powerful business magnates with intersecting business interests, political loyalties, and family ties own many news media. Systemic national problems, such as corruption and endemic conflicts of interest, also limit the development of the news media. For example, of the four national newspapers, one is run by a Congressman and another is run by a former Liberal Party president.

The Government has various means to influence news reporting of its activities, such as the granting or denial of access to government officials, which is crucial for news reporters, editors, and media owners. Other methods are more subtle, such as the coveted privilege to accompany the President on his official travels. Journalists who accompany the President on such occasions do so at the expense of the Government, which grants or withholds invitations for such travel at will. The Government also has considerable influence on the print media through its ability to grant or withhold official advertisements funded with public monies.

The comparatively little investigative journalism that took place focused on noncontroversial issues. When the news media attempted to report in depth on national politicians or official corruption, they continued to face obstacles, such as external pressures to desist from their investigations, artificially tight reporting deadlines, and a lack of access to government information and independent sources.

The news media also continued to suffer from internal corruption, politicization, and outside influences. Payments to journalists to investigate or suppress certain stories continued, although no individual journalist was accused publicly of engaging in the practice. News directors and editors acknowledged their inability to halt the practice.

The new Maduro government used the "Cadena Nacional," a complete preemption of all television and radio broadcasting, to present bimonthly presidential addresses.

One potentially abusive practice continued to be the granting of awards to individual reporters on "Journalists' Day." In May all three branches of the Government and several private organizations, including chambers of commerce, bestowed numerous awards, some accompanied by substantial sums of cash, on the "best" journalists. Rather than being tied to a specific accomplishment—a particular article or series, or even a lifetime's body of work—most awards were granted without any published criteria to beat reporters assigned to the granting institution. Some of these awards appeared to be deserved; however, many observers viewed them as little more than acknowledgments by the granting institutions of perceived services rendered.

Because President Maduro had limited ties to the media, some journalists took the opportunity to increase reporting on sensitive topics. In the past, there were credible reports of media owners' repression against individual journalists who criticized the Government, actively criticized freedom of the press, or otherwise reported on issues sensitive to powerful interests in the country. During the year there were no reports of dismissals or threats against journalists.

No more information was available on the television reporter who sued the Security Ministry over the loss of an eye in an unprovoked altercation with a police officer in 2000. No more information was available on the 2000 drive-by shooting of Radio Progreso news director Julio Cesar Pineda Alvarado, who suffered a head wound in the attack.

The Government did not restrict Internet access.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice; however, police used force to disperse several protests, resulting in a number of injuries.

During the year, incidents in which farmers or local populations took over roadways in Yoro, Comayagua, and Francisco Morazan departments met with police resistance. Police used tear gas and riot troops to clear roadways, injuring a number of persons in each incident.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The dominant religion, Catholicism, does not affect adversely the religious freedom of others. The Government prohibits immigration of foreign missionaries who practice religions that claim to use witchcraft or satanic rituals.

In September 2000, the Congress adopted a controversial measure requiring that, beginning in 2001, all school classes begin with 10 minutes of readings from the Bible; however, the legislation had not been put into effect.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

The Government cooperates with the U.N. High Commissioner for Refugees, the International Office of Migration, and other humanitarian organizations in assisting refugees. The Government provides first asylum and grants asylum or refugee status in accordance with the terms of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. General elections were held in November 2001, and on January 28, Ricardo Maduro Joest was sworn in as President for a 4-year term.

Citizens choose a president, three vice presidents, and members of the National Congress by free, secret, and direct, balloting every 4 years. In 1997 voters for the first time were able to cast separate ballots for the President, Congresspersons, and mayors, making individual elected officials more representative and accountable. Suffrage is universal; however, neither the clergy nor members of the military or civilian security forces are permitted to vote. In the 2001 elections, voting was expanded to include Hondurans resident in five cities in the United States, of whom only 1,000 voted. Any citizen born in Honduras or abroad of Honduran parentage may hold office, except for members of the clergy, the armed forces, and the police.

The investigation into the 2001 election-eve murder of Angel Pacheco, Nationalist Party congressional candidate from Valle department, had uncovered no suspects at year's end (*see* Section 1.a.).

A new political party may gain legal status by obtaining 20,000 signatures and establishing party organizations in at least half of the country's 18 departments. There are five recognized parties. The Democratic Unification Party was established by decree as a result of the Esquipulas peace accords.

There are no legal impediments to the participation of women or minorities in government and politics. The Government established the National Women's Institute a number of years ago to address women's issues. The 2000 Law of Gender Equality mandated that 30 percent of all candidates nominated for public office by recognized political parties be women. Congresswomen and women's groups strongly criticized all five parties for their lack of female representation in the congressional slates after the November 2001 elections. There were 5 women in the 128-seat legislature. There were nine female justices, one of whom was president, on the Supreme Court and three female ministers in the Cabinet.

There were few indigenous people in leadership positions in government or politics. There were 3 indigenous or Garifuna (Afro-Caribbean) persons in the 128-seat legislature.

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

A wide variety of human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with these groups and were responsive to their views.

One human rights group received death threats during the year and another announced that security forces harassed its members after they spoke out in support of investigations into extrajudicial killings committed by police.

In August human rights worker Jose Santos Callejas was killed in Atlantida in a criminal assault related to his human rights activism (*see* Section 1.a).

In September the U.N. Special Rapporteur on Extrajudicial, Arbitrary, and Summary Executions published the report on her visit to the country to meet with government, human rights, and children's organizations (*see* Section 1.a.).

In March Congress chose Ramon Custodio Lopez to replace Leo Valladares Lanza as Human Rights Commissioner of the National Human Rights Commission (NHRC), an autonomous government institution. He holds a 6-year term. The NHRC director has free access to all civilian and military institutions and detention centers and is supposed to perform his functions with complete immunity and autonomy. The Government generally cooperated with the NHRC and invited the Human Rights Ombudsman to work on interagency commissions dealing with rule of law issues.

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

The Constitution bans discrimination based on race or sex. The Constitution also bans discrimination on the basis of class; however, in practice, the political, military, and social elites generally enjoyed impunity under the legal system. Members of these groups rarely were arrested or jailed; the President, cabinet ministers, and legislators all enjoy legal immunity (*see* Section 1.e.).

Women.—Violence against women remained widespread. The Penal Code classifies domestic violence and sexual harassment as crimes, with penalties of 2 to 4 years' and 1 to 3 years' imprisonment, respectively. In February 2000, the Pan-American Health Organization reported that 60 percent of women had been victims of domestic violence. In September 2000, the U.N. Population Fund estimated that 8 of every 10 women suffered from domestic violence.

Over the year, the Public Ministry reported that it received an average of 341 allegations of domestic violence each month in the capital city of Tegucigalpa alone. In August a woman was sentenced under the new Criminal Procedures Code to 30 years for killing her abusive husband earlier in the year.

The 1997 Law Against Domestic Violence was intended to strengthen the rights of women and increase the penalties for crimes of domestic violence. In practice the law does not impose any fines, and the only sanctions are community service and 24-hour preventive detention if the aggressor is caught in the act. The Penal Code includes the crime of intrafamily violence and disobeying authorities, in the case that an aggressor does not obey a restraining order. Three years' imprisonment per incident is the maximum sentence. During the year, many cases were resolved because the Government began to fund special courts to hear only cases of domestic violence.

The Government works with women's groups to provide specialized training to police officials on enforcing the Law Against Domestic Violence. There are few shelters specifically for battered women. The Government operates 1 shelter that can accommodate 10 women and their families. Six private centers for battered women offer legal, medical, and psychological assistance, but not physical shelter.

The penalties for rape are relatively light, ranging from 3 to 9 years' imprisonment. All rapes are considered public crimes, so a rapist can be prosecuted even if the victim does not want to press charges.

The law does not prohibit adult prostitution, but child prostitution is illegal; the law prohibits promoting or facilitating the prostitution of adults.

Women were trafficked for sexual exploitation and debt bondage (*see* Section 6.f.).

The law prohibits sexual harassment in the workplace; however, it continued to be a problem.

Women, who make up 36 percent of the work force, were represented in at least small numbers in most professions, but cultural attitudes limited their career opportunities. Under the law, women have equal access to educational opportunities and slightly more girls complete grade school and high school than boys. The law requires employers to pay women equal wages for equivalent work, but employers often classify women's jobs as less demanding than those of men to justify paying them lower salaries. The Inter-Institutional Technical Committee on Gender supported gender units in five government ministries, and there is a special working women's division in the Ministry of Labor to coordinate government assistance programs that have a gender focus and that are targeted for women.

Workers in the textile export industries reported that they were required to take preemployment pregnancy tests (*see* Section 6.e.).

The Government maintained the cabinet-level position directing the National Women's Institute which develops women and gender policy (*see* Section 3).

Children.—Although the Government allocated 23.7 percent of its total expenditures for the year to basic education through the ninth grade (including salaries of teachers and administrators), funding remained insufficient to address the educational needs of the country's youth. The Government provides free, universal, and compulsory education through the age of 13; however, the Government estimated that as many as 65,000 children ages 6 through 12 fail to receive schooling of any kind each year; of these, almost 10,000 will never attend primary school. Slightly more girls attend primary and high school than boys, and older boys often drop out to assist their family by working. The Government increased its national school capacity by approximately 50,000 children during the year.

The Government allocated 10 percent of its total expenditure to the health sector. Media reports indicated that up to 40 percent of children under the age of 5 years suffer from chronic malnutrition. The Government estimated that 7,000 children (40 of every 1,000) under age 5 die each year because of inadequate health care.

The 1996 Code of Childhood and Adolescence covers the rights, liberties, and protection of children. It established prison sentences of up to 3 years for persons convicted of child abuse. In the major cities of San Pedro Sula and Tegucigalpa, with a combined population of 682,400 minors, the Public Ministry received a total of 2,500 complaints of child abuse.

Child prostitution is a problem in some tourist and border areas of the country.

Child labor is a problem (*see* Section 6.d.).

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

The Government was unable to improve the living conditions or reduce the numbers of street children and youth (*see* Sections 1.a. and 1.c.). The Government and children's rights organizations estimate the number of street children at 20,000, only half of whom have shelter on any given day. Many street children have been sexually molested or exploited. Approximately 30 percent of the street children and youth in Tegucigalpa and San Pedro Sula, the two largest population centers, were reported to be HIV-positive. Over 75 percent of street children live on the streets because of severe family problems; 30 percent simply were abandoned. The Tegucigalpa city administration runs 12 temporary shelters with a total capacity of 240 children.

Abuse of youth and children in poor neighborhoods and in gangs is a serious problem. Both the police and members of the general population engaged in violence against poor youth and children; some of these children were involved in criminal activities, but many were not (*see* Sections 1.a. and 1.c.). Police were found to be responsible for some of the murders of approximately 500 children, only some of whom lived on the street, who were killed summarily in "social cleansing" killings between January 1998 and August (*see* Section 1.a.). In April the first policeman to be sentenced for raping and killing a minor was sentenced to 24 years (*see* Sections 1.a. and 1.c.). Security authorities' abuse of street children decreased significantly in the late 1990s after Casa Alianza trained the Preventive Police on treatment of children and youth for 2 years; it is still a problem, although the situation has improved significantly. Casa Alianza no longer trains police recruits at the National Police Academy in La Paz department. During the year, the Human Rights Committee signed an agreement with the Ministry of Public Security to provide human rights training.

International and national human rights groups implicated public and private security force personnel, vigilante groups, and business leaders in many juvenile deaths (*see* Section 1.a.).

Persons with Disabilities.—There are no formal barriers to participation by an estimated 700,000 persons with disabilities in employment, education, or health care; however, there is no specific statutory or constitutional protection for them. There is no legislation that requires access by persons with disabilities to government buildings or commercial establishments. In May the Honduran Coordinating Group of Institutions and Associations of Rehabilitation, 30 organizations that work with the disabled, demanded that Congress support their activities with $3.09 million (51 million lempiras), which the Government had promised the groups earlier in the year. In 2001 the National University began providing classes in Honduran Sign Language.

Indigenous Persons.—Some 490,000 persons, constituting 9 percent of the general population, are members of indigenous and Afro-Caribbean ethnic groups. The Miskitos, Tawahkas, Pech, Tolupans, Lencas, Chortis, Nahual, Islanders, and Garifunas live in 362 communities and generally have little or no political power to make decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Most indigenous land rights are communal, providing land use rights to individual members of the ethnic group. Indigenous and ancestral lands often are defined poorly in documents dating back to the mid-19th century. Both indigenous and non-indigenous communities have criticized the Government's exploitation of timber; however, government policy over natural resources changed during the year and reportedly included greater local participation.

Land disputes are common among all sectors of society; however, the lack of clear title and property boundaries of indigenous land claims often leads to conflicts between such groups as landless mestizo farmers who clear and occupy land for subsistence farming, local and national elites who encroach on indigenous land to engage in illegal logging, and various government entities (*see* Sections 1.a. and 1.f.). During the year, 12 Tolupan were killed in Yoro department in separate incidents because they opposed illegal logging and usurpation of their ancestral lands. Tolupan leaders implicated sawmill owners, police, district attorneys, and the Governmental Honduran Forest Development Corporation in these murders. By the end of the year no action had been taken in any of the cases. The Government worked

with various indigenous groups on management plans for public and ancestral lands that they occupy. Expanded coverage of the national cadastral registry, property titling, and government land registries has the potential to reduce violence related to land disputes. In recent years security officials and private landowners have been accused of participating in about a dozen murders of Lencas and Garifunas in conflicts over indigenous land claims.

The courts commonly deny legal recourse to indigenous groups and often show bias in favor of nonindigenous parties of means and influence. Failure to obtain legal redress frequently causes indigenous groups to attempt to regain land through invasions of private property, which usually provoke the authorities into retaliating forcefully. The Government is somewhat responsive to indigenous land claims; however, numerous cases remained unresolved because of conflicting claims by influential individuals.

During the year, the National Agrarian Institute (INA) reduced its issuance of titles to indigenous groups in the new administration because of lack of funds to compensate private owners and due to expected changes in land use laws. INA continued to play a weak role in mediating land claims of indigenous and farmer groups.

Section 6. Worker Rights

a. The Right of Association.—Workers have the legal right to form and join labor unions; unions generally are independent of the Government and of political parties. Most farmer organizations are affiliated directly with the labor movement. Unions occasionally hold public demonstrations against government policies and make extensive use of the news media to advance their views. However, only about 14 percent of the work force is unionized, and the economic and political influence of organized labor has diminished in the past several years. Public sector unions have greater strength than private sector unions. Companies with unions are closed shops. During the year, the International Labor Organization (ILO) noted that various provisions in the labor law restrict freedom of association, including the prohibition of more than 1 trade union in a single enterprise, the requirement of more than 30 workers to constitute a trade union, and the requirement that trade union organizations must include more than 90 percent Honduran membership.

The labor movement consists of three national labor confederations: the General Council of Workers (CGT), the Confederation of Honduran Workers (CTH), and the Unitary Confederation of Honduran Workers (CUTH).

A number of private firms have instituted "solidarity" associations, essentially aimed at providing credit and other services to workers and managers who are members of the associations. Representatives of most organized labor groups criticize these associations, asserting that they do not permit strikes; have inadequate grievance procedures; are meant to displace genuine, independent trade unions; and are employer-dominated. Because of the restriction of one union per workplace, a solidarity association can not compete with an independent union if the union is the first to be established. However, neither can a union replace a solidarity association.

The Labor Code prohibits retribution by employers for trade union activity; however, it is a common occurrence. Some employers have threatened to close down unionized companies and have harassed workers seeking to unionize, in some cases dismissing them outright. Workers often accept dismissal with severance pay rather than wait for a court resolution. Some foreign companies close operations when they are notified that workers seek union representation; one such case occurred during the year. The labor courts routinely consider hundreds of appeals from workers seeking reinstatement and back wages from companies that fired them for engaging in union organizing activities. Once a union is recognized, employers actually dismiss relatively few workers for union activity. However, the right of collective bargaining is not granted easily, even once a union is recognized. Cases of firings and harassment serve to discourage workers elsewhere from attempting to organize. The ILO again reiterated its recommendation for the Government to provide for adequate protection, particularly effective and dissuasive sanctions, against acts of antiunion discrimination for trade union membership or activities and against acts of interference by employers or their organization in trade union activities.

Workers in both unionized and nonunionized companies are protected by the Labor Code, which gives them the right to seek redress from the Ministry of Labor. The Ministry of Labor applied the law in several cases, pressuring employers to observe the code. Labor or civil courts can require employers to rehire employees fired for union activity, but such rulings are uncommon. Collective bargaining agreements between management and unions generally contain a clause prohibiting retaliation against any worker who participates in a strike or other union activity.

The Labor Code explicitly prohibits blacklisting; however, there was credible evidence that blacklisting occurred in the assembly manufacturing for export firms,

known as maquiladoras. A number of maquila workers who were fired for union activity report being hired for 1 or 2 weeks and then being let go with no explanation. Maquila employees report seeing computer records that include previous union membership in personnel records, and employers have told previously unionized workers that they are unemployable because of their previous union activity.

When a union is formed, its organizers must submit a list of founding members to the Ministry of Labor as part of the process of obtaining official recognition. However, before official recognition is granted, the Ministry of Labor must inform the company of the impending union organization. At times companies receive the list illegally from workers or from Labor Ministry inspectors willing to take a bribe. The Ministry of Labor has not always been able to provide effective protection to labor organizers. During the year the Ministry of Labor improved its administrative procedures to reduce unethical behavior of its officials regarding union organizing. There were fewer reports of inspectors selling the names of employees involved in forming a union to the management of the company compared with previous years.

The three national labor confederations maintain close ties with various international trade union organizations.

b. The Right to Organize and Bargain Collectively.—The law protects the rights to organize and to bargain collectively.

The Constitution provides for the right to strike, along with a wide range of other basic labor rights, which the authorities generally respect in practice. The civil service code denies the right to strike to all government workers, other than employees of state-owned enterprises. Nonetheless, civil servants often engage in illegal work stoppages without experiencing reprisals. The ILO reported that federations and confederations are prohibited from calling strikes, and that a two-thirds majority of the votes of the total membership of the trade union organization is required to call a strike; the ILO asserts that these requirements restrict freedom of association.

The public sector held pervasive and long-lasting strikes throughout the year. High school teachers were on strike for more than 2 months demanding additional salary raises.

The same labor regulations apply in the export processing zones (EPZs) as in the rest of private industry. There are approximately 20 EPZs. Each EPZ provides space for between 4 and 10 companies. There are approximately 200 export-oriented assembly manufacturing firms located inside and outside EPZs. The Honduran Association of Maquiladores (AHM) and worker representatives routinely meet to reduce potential tensions within the industry. At year's end, approximately 40 of the country's 200 maquiladora firms were unionized.

In 1997 the AHM adopted a voluntary code of conduct governing salaries and working conditions in the industry and recognizing workers' right to organize. Members of AHM, both industrial park owners and company owners, are asked to sign the code of conduct to join the AHM. The conditions are not monitored or verified by the AHM, but the AHM does act as arbiter when unions, the Ministry of Labor, or other partners complain about labor conditions in a factory. Workers and supervisors were trained on the elements of this code during the year. Organized labor has equivalent rights and protection inside and outside EPZs.

In the absence of unions and collective bargaining, the management of several plants in free trade zones have instituted solidarity associations that, to some extent, function as "company unions" for the purposes of setting wages and negotiating working conditions. Others use the minimum wage to set starting salaries and adjust wage scales by negotiating with common groups of plant workers and other employees, based on seniority, skills, categories of work, and other criteria (*see* Section 6.e.).

Labor leaders accuse the Government of allowing private companies to act contrary to the Labor Code. They criticize the Ministry of Labor for not enforcing the Labor Code, for taking too long to make decisions, and for being timid and indifferent to workers' needs. Industry leaders, in turn, contend that the obsolete and cumbersome Labor Code discourages foreign investment and requires significant amendment. The Ministry of Labor sought to address these deficiencies by requesting increased funding in the Government's budget, by dismissing or transferring Ministry of Labor employees whose performance was unsatisfactory, by opening more regional offices to facilitate worker access to Ministry of Labor services, and by conducting a painstaking, ongoing review of the Labor Code since 1995. During the year the Ministry of Labor continued its work to strengthen a special maquiladora office and an office for female workers.

A 1995 Memorandum of Understanding (MOU) between the Ministry of Labor and the Office of the United States Trade Representative calling for greater enforcement of the Labor Code has resulted in some progress. However, labor unions charge that the Ministry of Labor has not made sufficient progress toward enforcing

the code, especially in training its labor inspectors and in conducting inspections of the maquiladora industry. The Government has acknowledged that it does not yet adhere completely to international labor standards. In 1997 the country, in conjunction with other Central American nations, agreed to fund a regional program to modernize the inspection and labor management functions of all regional labor ministries. In August and September 2000, the Government reaffirmed its commitment to abide by the terms of the 1995 MOU and to take additional steps to strengthen enforcement of the Labor Code.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the law prohibit forced or bonded labor, including by children; however, there were credible allegations of compulsory overtime at maquiladora plants, particularly for women, who make up an estimated 80 percent of the work force in the maquiladora sector.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution and the Labor Code prohibit the employment of minors under the age of 16, except that a child who is 14 years of age is permitted to work with parental and Ministry of Labor permission; however, child labor is a problem. According to the Ministry of Labor, human rights groups, and children's rights organizations, an estimated 400,000 children work illegally. The Children's Code prohibits a child of 14 years of age or younger from working, even with parental permission, and establishes prison sentences of 3 to 5 years for persons who allow children to work illegally. This law is not enforced in practice. An employer who legally hires a 15-year-old must certify that the child has finished, or is finishing, his compulsory schooling. The Ministry of Labor grants a limited number of work permits to 15-year-old children each year.

The Ministry of Labor does not enforce effectively child labor laws outside the maquiladora sector. Violations of the Labor Code occur frequently in rural areas and in small companies. Significant child labor problems exist in family farming, agricultural export (including the melon, coffee and sugarcane industries), and small-scale services and commerce. A May 2001 household survey reported that 9.2 percent of children between ages 5 and 15 were working, and that 26 percent of children ages 11 through 15 work. Many children also work in the construction industry, on family farms, as street vendors, or in small workshops to supplement the family income. Boys between the ages of 13 and 18 work on lobster boats, where they dive illegally with little safety or health protection. Children who work on melon farms were exposed to pesticides and long hours.

The employment of children under the legal working age in the maquiladora sector may occur, but not on a large scale. (Younger children sometimes obtain work permits by fraud or purchase forged permits.) During the year, one foreign firm in the maquiladora sector was reported to employ minors, and the Ministry of Labor took action to penalize the employer and assure that minors no longer work at the plant.

During the year, the new administration swore in new members of the interagency National Commission for the Gradual and Progressive Eradication of Child Labor, created in 1998. In September 2001, the employers' association launched a campaign to raise awareness of the law among its members. In May the ILO Office on the Eradication of Child Labor launched its programs focused on the eradication of the worst forms of child labor in melon and coffee production.

e. Acceptable Conditions of Work.—In May minimum wages, that were renegotiated went into effect. The agreement included a voluntary price freeze on a basic basket of consumer goods and public services. During the year, however, market pressures pushed up prices leading labor leaders to protest the violation of the agreement. Daily pay rates vary by sector of the economy. The lowest minimum wage occurs in the nonexport agricultural sector, where it ranges from $2.64 to $3.70 (43.60 to 61.23 lempiras) per day, depending on the size of the firm. The highest minimum wage is $4.57 (75.50 lempiras) per day in the export and financial sectors. All workers are entitled to a bonus equivalent to a month's salary in June and December every year. The Constitution and the Labor Code stipulate that all labor must be paid fairly; however, the Ministry of Labor lacks the personnel and other resources for effective enforcement. The minimum wage is insufficient to provide a decent standard of living (above the poverty line) for a worker and family.

As a result of the October 2000 negotiated agreement on the minimum wage, the Government committed itself to establishing an Economic and Social Council within which the Government, the private sector, and labor and social groups would debate wages and other labor issues, as well as national social policy. In March the Council was sworn in.

The law prescribes a maximum 8-hour workday and a 44-hour workweek. There is a requirement of at least one 24-hour rest period every 8 days. The Labor Code

provides for a paid vacation of 10 workdays after 1 year, and of 20 workdays after 4 years. The law requires overtime payment for hours in excess of the standard. There are prohibitions on excessive compulsory overtime. However, employers frequently ignored these regulations due to the high level of unemployment and underemployment and the lack of effective enforcement by the Ministry of Labor. Foreign workers enjoy equal protection under the law, although the process for a foreigner to obtain a work permit from the Ministry of Labor is cumbersome.

The Ministry of Labor is responsible for enforcing national occupational health and safety laws, but does not do so consistently or effectively. During the year, the Ministry of Labor received technical assistance and equipment to improve its regulatory capacity. There are 16 occupational health and safety inspectors throughout the country. The informal sector, comprising more than 70 percent of all employment, is regulated and monitored poorly. Worker safety standards also are poorly enforced in the construction industry. Some complaints alleged that foreign factory managers failed to comply with the occupational health and safety aspects of Labor Code regulations in factories located in the free-trade zones and in private industrial parks (*see* Section 6.b.). There is no provision allowing a worker to leave a dangerous work situation without jeopardy to continued employment.

Labor unions, women's groups, and human rights groups report receiving complaints from workers in textile export industries that include: illegal preemployment pregnancy tests, severely limited access to medical services, verbal abuse, no freedom to organize unions, and forced and unpaid overtime. The Ministry of Labor has increased its responsiveness to these complaints, according to the same organizations.

The Government, private sector, and worker representatives participated in a regional program to improve occupational safety and health conditions throughout Central America. This program aimed to strengthen regional labor codes and the enforcement capabilities of the Central American labor ministries in these fields.

f. Trafficking in Persons.—The Legal Code includes provisions that prohibit trafficking in persons; however, it is a problem. Honduras is primarily a source, but also a transit, country for trafficked children and women to neighboring countries and the United States. According to Casa Alianza, Honduran children, especially young girls, are trafficked by criminal groups to other Central American countries for purposes of sexual exploitation. There are reports that trafficking in women and children also occurs within the country's borders. There were reports during the year that girls and women were trafficked to Guatemala, Mexico, and the United States for purposes of prostitution. An April raid in Texas uncovered a prostitution ring run by Hondurans in which more than three dozen Honduran women and girls had been trafficked to the United States and were subject to sexual exploitation and debt bondage.

Reports from Casa Alianza in 2000 asserted that approximately 250 Honduran children in Canada were coerced into prostitution or the sale of illicit narcotics. Honduran authorities did not repatriate any of the minors involved despite 2000 press reports that indicated the Government was taking action. Canadian authorities cooperated with Honduras during the year to identify and repatriate the minors.

Charges were dropped in the February 2000 case of a San Pedro Sula judge accused of kidnaping six minors with intent to sell them. During the year the Government continued to work with the Government of Mexico to repatriate over 200 Honduran minors working as prostitutes in southern Mexico. In 2000 a local children's rights group charged that 498 children had been reported missing from 1986 to 2000, including 22 children in 2001. The group asserted that local kidnapers receive an average of $133 (2,000 lempiras) per child, each of whom subsequently is sold abroad for $10,000 to $15,000. No more information was available on this case at year's end.

The law prohibits trafficking in persons and provides for sentences of between 6 and 9 years imprisonment; the penalty is increased if the traffickers are government or public employees, or if the victim suffers "loss of liberty" or is killed. The Government and Justice Ministry, through its General Directorate for Population and Migration, is responsible for enforcing the country's immigration laws although it does not have arrest powers. However, corruption, a lack of resources, and weak police and court systems hinder law enforcement efforts. While traffickers have been arrested, the Government has not prosecuted any cases.

The Government does not provide economic aid to victims or potential victims of trafficking. During the year, an interagency working group to limit trafficking was inaugurated. In 2000 the Government inaugurated two centers in Tegucigalpa and San Pedro Sula to assist citizens deported from other countries to relocate in Hon-

duras. The centers' activities continued during the year, with the assistance of several international organizations.

JAMAICA

Jamaica is a constitutional parliamentary democracy and a member of the Commonwealth of Nations. Two political parties have alternated in power since the first elections under universal adult suffrage in 1944; however, in October general elections, Prime Minister P.J. Patterson's People's National Party (PNP) won an unprecedented fourth consecutive term. The PNP won 34 of the 60 seats in Parliament after a tense campaign that was less violent than previous elections. International observers found that intimidation of voters and party agents was a problem during the general elections. The judiciary was generally independent but lacked adequate resources.

The Jamaica Constabulary Force (JCF) had primary responsibility for internal security, assisted by the Island Special Constabulary Force. The Jamaica Defense Force (JDF—army, air wing, and coast guard) was charged with national defense, marine narcotics interdiction, and JCF support. The JDF had no mandate to maintain law and order and no powers of arrest, unless so ordered by the Prime Minister. The Prime Minister occasionally gave the JDF powers to cordon and search. The Ministry of National Security oversaw the JCF and the JDF. Civilian authorities generally maintained effective control of the security forces; however, some members of the security forces committed human rights abuses.

The market economy was based largely on tourism, production of primary products (bauxite and alumina, sugar, bananas), and remittances. The country's population was approximately 2.6 million. The Government promoted private investment to stimulate economic growth and modernization, pursuing in the process a difficult program of structural adjustment. The economy grew by an estimated 0.5–1.0 percent during the year, compared with 1.7 percent in 2001. There was a large gap between the wealthy and the impoverished.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Members of the security forces committed some unlawful killings. Police and prison guards abused detainees and prisoners. Although the Government moved to investigate incidents of police abuses and punish some of those police involved, continued impunity for police who commit abuses remained a problem. Prison and jail conditions remained poor; overcrowding, brutality against detainees, and poor sanitary conditions were problems. There were reports of arbitrary arrest and detention. The judicial system was overburdened, and lengthy delays in trials were common. Violence and discrimination against women remained problems. There were cases of societal discrimination against persons with disabilities and members of the Rastafarian religion. Violence against suspected homosexuals occurred. Child labor was a problem, as was child prostitution. Mob violence against and vigilante killings of those suspected of breaking the law remained a problem. Jamaica was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were at least 5—and possibly as many as 12—politically motivated killings during the year, committed by supporters of various political factions. The police committed some unlawful or unwarranted killings during the year.

Although there is a history of political violence and killings in the period leading up to elections, the last three general elections were relatively calm (*see* Section 3).

On January 3, unidentified gunmen shot and burned to death seven persons, including two children, in a nighttime attack in the 100 Lane area of Kingston, a community linked to the PNP. Police at a nearby station failed to respond to the attack. Police believed that the incident was a reprisal for a January 1 attack in the Jamaica Labor Party (JLP)-controlled Parke Lane area in which one person was killed. Most observers believed that both incidents were criminal reprisal killings, rather than politically motivated murders.

In August three persons were shot and killed, and another was shot and injured after a dispute over the removal of political graffiti in Spanish Town, St. Catherine parish. The placement of political flags led to increased tension and the murders of JLP supporters. In September 2 people were killed and at least 13 wounded in a

series of drive-by shootings between rival political enclaves in central Kingston. In response to these incidents and other threats of violence, the newly appointed Political Ombudsman went to the scene to reduce tensions (*see* Section 4).

On October 16 (election day), seven people, including a child and three women, were murdered in the early morning in Rock Hall, St. Andrew. The first murder was that of a JLP political worker killed near a polling station; then members of two families were killed at their homes. The victorious opposition candidate for the area expressed concern that the killings were politically motivated. In December the police arrested two 17-year-olds and charged them with seven counts of murder. The police linked the killings to a gang conflict involving a stolen gun.

The police frequently employed lethal force in apprehending criminal suspects. During the year, there were 149 deaths, including those of 16 police officers, during police encounters with criminals, compared with 163 such deaths in 2001. While allegations of "police murder" were frequent, the validity of many of the allegations was suspect. The country faced a critical crime situation with a homicide rate exceeding 40 per 100,000 persons. Well-armed gangs that trafficked in narcotics and guns controlled many inner-city communities. The gangs often were equipped better than the police force and conducted coordinated ambushes of joint security patrols. There were targeted assaults against police officers and their families.

The JCF conducted both administrative and criminal investigations into all incidents involving fatal shootings by the police. The Bureau of Special Investigations (BSI) within the JCF specifically addressed police shootings; the BSI employed 29 investigators. The BSI supplemented the JCF Office of Professional Responsibility (OPR), which investigated police corruption and other misconduct, and the civilian Police Public Complaints Authority (PPCA), which oversaw investigations of the other two bodies and could initiate its own investigations. The PPCA had 13 investigators.

On July 22, police shot and killed 7-year-old Romaine Edwards during what police said was a shoot-out with gangsters in Lawrence Tavern, St. Andrew. Area residents agreed there was no shoot-out between police and gunmen. The authorities subsequently transferred all seven officers from Lawrence Tavern to another police station. The BSI immediately took the case, which was still under investigation at year's end.

On November 15, the police allegedly shot and killed a 24-year-old mentally retarded man, Daemon Roache, in Kingston while in pursuit of three robbers. Residents claimed police shot Roache in the back and head. Over 100 residents protested the shooting, and a human rights NGO criticized the police action. At year's end, the BSI was investigating the incident.

During the year, at least five detainees died while in police lockups; some of the deaths involved negligence (*see* Section 1.c.).

In December 2001, police shot and killed 26-year-old Dave Steele after a vehicular pursuit in Trelawny. Police said that they fired warning shots, but witnesses said that police shot Steele in the back after he exited the car. A 300-person crowd demonstrated following the incident and erected roadblocks. On July 30, the Director of Public Prosecutions (DPP) ruled that a special constable should be charged with the murder, and the case was before the courts at year's end.

The case of a farmer killed by police in January 2001 remained pending before the DPP at year's end.

On October 3, a 10-member jury for the coroner's inquest into the March 2001 killings of seven youths by the police Crime Management Unit in Braeton, St. Catherine parish, found the police "not criminally responsible" by a 6 to 4 vote. By law, a jury comprising seven or more persons cannot have more than two dissenters; if it does, the Coroner may hold a new inquest or the resident magistrate may refer the case to the DPP for a ruling. An Amnesty International press release called the inquest "deeply flawed" and asked the DPP immediately to instigate criminal proceedings against the police officers involved.

In July 2001, a joint police-army operation entered Tivoli Gardens, West Kingston, reportedly to search for an arms cache following months of unrest in West Kingston. During the operation, 25 civilians, 1 policeman, and 1 soldier were killed in violence that lasted for several days. The police said that they came under heavy fire from gunmen. The opposition leader, who was the parliamentarian for Tivoli Gardens, contended that the police operation was intended to discredit him before national elections. The Prime Minister established a Commission of Inquiry, which concluded in June that the events were not political and that the police acted with restraint. The Commission blamed the violence on the presence of drugs in the neighborhood and the proliferation of guns and ammunition in the hands of civilians. Also in June, the opposition leader released an affidavit that suggested that politically fueled rivalries and police inaction in the face of the imminent melee were

to blame for the outbreak of disturbances. Amnesty International representatives expressed concern that the inquiry did not conform to international standards.

In October 2001, police killed Andrew Stephens, a JLP "don" (gang leader), reportedly in a shoot-out. In March the police sent the case to the DPP, where it remained at year's end.

In July a court acquitted a policewoman of murder in the 2000 shooting of a man in Farm district, Clarendon parish.

In May 2001, a coroner's inquest recommended that all the police involved in the 1999 death of Patrick Genius should be held criminally responsible. In December 2001, the DPP ruled that there was insufficient evidence to support a criminal case against the police. The Supreme Court refused an appeal brought by Genius' mother. On October 31, the Full Court, made up of the Chief Justice and two other justices, ruled that the lawyers may challenge the DPP's decision, which required the DPP to reconsider whether to prosecute the police involved. Human rights groups praised the decision; the case remained before the Full Court at year's end.

In 1999 nine soldiers and four policemen severely beat Michael Gayle, described as a paranoid schizophrenic, after he tried to pass through a roadblock near his home after curfew. Gayle died as the result of internal injuries; at the coroner's inquest, the jury returned a majority verdict that all police and military personnel on duty at the roadblock at that time should be charged with manslaughter. However, no criminal charges were filed, and the DPP closed the case in December 2001. In March the local human rights group Jamaicans for Justice presented a petition to the Inter-American Commission on Human Rights regarding the case; responses to the petition were in progress at year's end.

The JCF undertook an initiative of "community policing" to address the problem of long-standing antipathy between the security forces and many poor inner-city neighborhoods. For example, designated policemen walk beats and interact with members of the community on a daily basis. The Human Rights Advisor to the Minister of National Security and Justice worked to educate JCF trainees and junior officers to respect citizens' rights. The Jamaica Chamber of Commerce Inner-City Development Committee and the Jamaica Social Investment Fund distributed a Police Code of Conduct and a Charter of Citizen's Rights to police officers and citizens. The Police Federation conducted lectures to educate policemen in citizens' rights. The Government, the Independent Jamaica Council for Human Rights, and foreign governments developed human rights materials to be used in all subjects at the primary and secondary levels, which were being tested in selected classrooms at year's end. The JCF policy statement on the use of force incorporated U.N.-approved language on basic principles on the use of force and firearms by law enforcement officials.

Vigilantism and spontaneous mob killings in response to crime continued to be a problem. There were at least 11 vigilante killings during the year, the motives for which varied—some victims were targeted, while others were the result of spontaneous mob action. On July 20, an angry mob of local residents beat and then burned to death a man accused of committing several rapes and robberies in St. Catherine. On August 18, a mob stabbed a bus driver 56 times and slashed his throat after an altercation between the driver and a passenger left the passenger injured. Human rights advocates contended that police did not consider such murders a priority and expressed concern that the perpetrators rarely were charged.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other abuse of prisoners and detainees; however, reports of physical abuse of prisoners by guards continued, despite efforts by the Government to remove abusive guards and improve procedures. There were also credible reports that police abused detainees in lockups.

In July 2001, after demonstrators blocked parish roads to protest demolition of 17 squatter homes, local police and the JCF Mobile Reserve Unit attempted to disperse the crowd, using tear gas, batons, and firing live ammunition in the air. Prime Minister Patterson requested a report on the demolition operation and a review of procedures for ejecting squatters, and the OPR investigated accusations of police excesses. In January the BSI submitted the case to the DPP, where it remained at year's end.

In April the DPP ruled that two police officers should be charged with wounding with intent and malicious destruction of property for a June 2000 incident in which police fired on a minibus when the driver failed to stop at a roadblock. The police concluded an investigation into the incident and sent it to the DPP's office in September 2001. The case was before the courts at year's end.

Prison conditions remained poor; overcrowding, inadequate diet, poor sanitary conditions, and insufficient medical care were typical. There were no reports of prison riots. The majority of pretrial detainees were held in police lockups. After an April escape from the Spanish Town lockup, the Minister of National Security ordered the Horizon Remand Center to receive prisoners, which immediately eased overcrowding in lockups.

On March 24, a prisoner at Mandeville police station died after being beaten by other prisoners at the lockup. The authorities charged five members of the police force with failing to carry out proper supervision and suspended two police constables. The Public Defender began proceedings to obtain compensation from the Government on behalf of the victim.

On March 25, a prisoner at Bull Bay lockup died in police custody. On August 30, a prisoner in a Manchester lockup died in police custody. Both cases were being investigated at year's end.

In March media reports stated that mentally ill inmates were being used as sex slaves in prison. A former medical officer and a psychiatrist at the St. Catherine Adult Correctional Facility said that mentally ill inmates and other "weaklings" had been raped repeatedly, and that prison officials were aware of the problem.

On May 7, two Remand Center wardens were kept hostage for over 2 hours in a security post. On July 8, the JDF took operational control of the Remand Center after one detainee escaped and others attacked a correctional officer; at year's end, the center remained under JDF control.

Between July and August 2001, four detainees who were held at the Hunt's Bay police station lockup in Portmore, St. Catherine parish, died under unexplained circumstances. In May the DPP ruled that the case should be sent to the Kingston Criminal Court, where charges were pending against the Hunt's Bay wardens at year's end. An April 2001 Amnesty International report documented severe overcrowding (more than three times intended capacity), cells without lighting or sanitation, and lack of medical care and adequate food in the Hunt's Bay lockup. The report detailed frequent and credible allegations of police abuse in lockups, including severe beatings, mock executions, and rape. Although Hunt's Bay lockup closed in 2001, the authorities reopened it during the year.

A separate prison for women—the Ft. Augusta Women's Prison—was housed in a 19th century fort. Sanitary conditions were poor, although far less so than in the men's prisons because there was less overcrowding. Ft. Augusta was also relatively safer and had less violence than the men's prisons. However, inmates at Ft. Augusta complained of other inmates carrying knives and other weapons.

The Constitution prohibits the incarceration of children in adult prisons; however, in practice some juveniles were held with adults. A 1999 Human Rights Watch report criticized the conditions in which juveniles were held. The Government charged Ministry of Health officers with finding appropriate "places of safety" for juveniles, and adopted new procedures, which were considered effective on the whole.

On March 26, two toddlers ended up in a police cell with their mothers but were released after the intervention of a senior police officer. The Office of the Public Defender and the police each began investigations into the incident, and in December the Attorney General's Office paid each mother approximately $1,050 (J$50,000) in compensation.

In 2000 the Court of Appeals ruled that it was unconstitutional for juveniles to be held "at the Governor General's pleasure." This referred to a section of the Juveniles Act that provides that persons under the age of 18 who commit a capital crime must have their death sentence commuted; however, they could be held for an indeterminate time at the Governor General's discretion and were subject to incarceration in an adult prison. In November the Government argued its appeal of the ruling before the judicial committee of the Privy Council in the United Kingdom, which had not ruled at year's end.

In general, the Government allowed private groups, voluntary organizations, international human rights organizations, and the media to visit prisons and monitor prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Jamaica Constabulary Force Act permits the arrest of persons "reasonably suspected" of having committed a crime. There were some reported incidents of arbitrary arrest during the year, and the authorities continued to detain suspects, especially those from poor neighborhoods, without bringing them before a judge within the prescribed period.

In March 2001, a magistrate's court freed a 76-year-old man who had been held in prison for 29 years without trial because he had been judged unfit to plead due to mental illness. Following public scrutiny, the Government acted swiftly to determine the number of such cases (which human rights advocates estimated at between 200 and 500) and bring them before the courts. During the year, between 20

and 25 mentally ill persons were released, and human rights organizations helped some of them to file false imprisonment cases against the Government. Each new "unfit to plead" case must be brought to the court's attention once per month, and human rights organizations were satisfied that such persons were less likely to be forgotten.

The law requires police to present a detainee in court within a reasonable time period, but the authorities continued to detain suspects beyond such a period, which the Government attributed to an overburdened court system that could not accommodate large numbers of such presentations in a timely manner (*see* Section 1.e.). Magistrates inquired at least once a week into the welfare of each person listed by the JCF as detained. There was a functioning bail system.

Foreign prisoners must pay for their own deportation when they have completed their sentences. If they could not afford to pay, they were jailed until relatives or consulates could arrange for transportation.

The Constitution prohibits forced exile, and there were no reports that it occurred.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, which generally existed in practice. However, the judicial system was overburdened and operated with inadequate resources.

Three courts handle criminal matters at the trial level. Resident magistrates try lesser offenses (misdemeanors). A Supreme Court judge tries more serious felonies, except for felonies involving firearms, which are tried before a judge of the Gun Court. Defendants had the right to appeal a conviction in any of the three trial courts to the Court of Appeal, which is the highest court in the country. This appeal process resulted in frequent delays. The Constitution allows the Court of Appeal and the Parliament, as well as defendants in civil and criminal cases, and plaintiffs in civil cases, to refer cases to the Judicial Committee of the Privy Council in the United Kingdom as a final court of appeal.

The lack of sufficient staff and resources hindered due process. For example, the media reported in August that 80 percent of coroner's inquests ordered by the DPP were yet to be held. The BSI also was faced with a large backlog. As of December 1, the BSI had investigated 521 of 976 shooting incidents during the year. Trials in many cases were delayed for years, and other cases were dismissed because files could not be located. A night court had some success in reducing the backlog of cases.

The defendant's right to counsel is well established. Legal aid attorneys were available to defend the indigent, except those charged with certain offenses under the Money Laundering Act or Dangerous Drugs Act. The Public Defender may bring cases for persons who have had their constitutional rights violated. The Public Defender's Office contracted private attorneys to represent clients. There were sufficient funds and legal aid attorneys to meet demand.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary intrusion by the State into the private life of an individual. The revised Jamaica Constabulary Force Act gives security personnel broad powers of search and seizure similar to those granted by the former Suppression of Crimes Act. The act allows search without a warrant of a person on board or disembarking a ship or boat, if a police officer has good reason to be suspicious. In practice, the police conducted searches without warrants. There were no allegations of unauthorized wiretapping by the police.

In 2000 the media reported allegations that a special police unit wiretapped telephones without proper authorization in an investigation of police involvement in narcotics trafficking. Following an investigation, in July 2001, the DPP ordered that the civilian head of the unit and two telephone company employees be charged with interfering in the operation of a public utility. In December the case against the two employees was scheduled for a hearing; the other person was thought to be living outside the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The four largest newspapers, all privately owned, regularly reported on alleged human rights abuses, particularly those involving the JCF. Foreign publications were widely available. There were 3 television stations and 16 radio stations. The Government's broadcasting commission has the right to regulate programming during emergencies. Foreign television transmissions were unregulated and widely available through satellite antennas and cable operators.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. There were several community protests against police actions during the year. Residents staged demonstrations to protest incidents such as the alleged unwarranted police killing of a man in December 2001, and the July police killing of a child (*see* Section 1.a.).

Security personnel generally acted with restraint during public demonstrations. In August local police units used tear gas against protesting residents and fired into the air during a violent protest against the alleged police killing of a man in Trench Town. The police alleged that the man was a wanted murderer who engaged them in a gun battle.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

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

Members of the Rastafarian community complained that law enforcement officials unfairly targeted them. However, it was not clear whether such complaints reflected discrimination on the basis of religious belief or due to the group's illegal use of marijuana, which is used as part of Rastafarian religious practice. Rastafarianism is not a recognized religion under the law. In January the Public Defender's office brought a case to the Constitutional Court to gain government support of Rastafarianism as a religion, which was scheduled for a hearing in February 2003.

Rastafarians had no right to prison visits by Rastafarian clergy. In August 2001, the Public Defender's Office filed a lawsuit against the Government on behalf of a Rastafarian prisoner who charged that he was denied the right to worship. The prisoner complained that he had no access to the ministrations by clergy afforded to prisoners of other religions. The Commissioner of Corrections and Attorney General were named as respondents; the suit had yet to be heard.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

The Government provided asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government established a committee and formal procedures to review claims to refugee status. In November 2001, a group of 128 Haitians arrived in the country. According to immigration officials, 122 were judged to be economic migrants and were not considered for asylum. The other six Haitians were considered for asylum; their appeals were heard on September 2, and they were granted asylum. The committee denied all claims to refugee status by Cubans during the year.

The issue of first asylum did not arise during the year.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in periodic elections held on the basis of universal suffrage. All citizens age 18 and over had the right to vote by secret ballot. However, voters living in "garrison communities" in inner-city areas dominated by one of the two major political parties faced substantial influence and pressure from politically connected gangs and young men hired by political parties, which impeded the free exercise of their right to vote. Although there is a history of political violence and killings in the period leading up to elections, the October 16 elections were less violent than previous general elections. There were some reports of intimidation of voters and party agents.

Two political parties—the PNP and the JLP—have alternated in power since the first elections in 1944; however, Prime Minister P.J. Patterson's PNP won an unprecedented fourth consecutive term and 34 of the 60 seats in Parliament in the October elections. The opposition JLP held 26 seats; none of the other parties won a seat or received a significant percentage of votes in any constituency.

Improvements in the electoral system, including introduction of new voter's identification cards, the inclusion of voter's pictures on the voter's list, and fingerprinting

of voters at registration helped to reduce fraudulent voting, which was more prevalent in 1997 elections.

Incidents of violence and intimidation—including killings, gunfire, and stone throwing—occurred throughout the election period (*see* Section 1.a.). After campaign rallies of both parties, opposing party supporters stoned buses carrying home rally-goers, resulting in minor injuries. The police rerouted buses to minimize confrontations between party supporters. The security forces controlled violence and generally acted with restraint throughout the election period. Most killings were attributed to criminal rather than political motives.

During the general election campaign, both international and local observer groups concluded that the occurrence of violence, although reduced, continued to be a serious concern in the electoral process. Problems persisted in the garrison communities, including intimidation of party agents and voters of nondominant parties and restrictions on the movement of voters and election workers. International observers found that intimidation of voters and poll workers appeared to decrease relative to past elections, but was still a problem. They found that the election preparations showed significant advances over the past, and that the security forces played a critical role on election day in maintaining peace and order. The international observers lauded the Code of Conduct, the central Elections Center, and the office of the Political Ombudsman as advances over the 1997 elections.

There were no legal restrictions on the participation of women in politics. Women held about 8 percent of all political offices and 30 percent of the senior civil service positions. Three of the 17 cabinet members were women, one of whom was also the PNP General Secretary.

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

A number of human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. The Independent Jamaica Council for Human Rights was the country's only formal organization concerned with all aspects of human rights. The nongovernmental organization (NGO) Jamaicans for Justice was a human rights group created in 1999 in response to concerns about police impunity; it focused on the issues of extrajudicial killing and excessive use of force by the police. Jamaicans for Justice reported that undercover police regularly attended its meetings. The group wrote a weekly newspaper column and had a cordial relationship with the police. For example, following the April killing of a police constable, the group called that killing an "attack on the justice system." government officials generally were cooperative and responsive to the views of human rights organizations. However, in June the Attorney General and Minister of Justice responded to NGO scrutiny of the Government's handling of specific human rights abuses such as the Breaton and Gayle cases (*see* Section 1.a.). He stated that judging a country's human rights record solely on abuses carried out by members of the security forces "cannot serve the cause of protecting the rights of our citizens in a comprehensive and wholesome manner."

The Public Defender's Office brings cases on behalf of those who charged that their constitutional rights were violated. The office incorporated the former post of Parliamentary Ombudsman, intended to provide citizens protection against abuses of state power and damage caused by unjustifiable administrative inaction, and expanded that role to include protection of citizens whose constitutional rights were infringed. The office contracted private attorneys to bring suits against the Government on behalf of private citizens. During the year, the Public Defender successfully sought compensation for a number of citizens, including two jailed toddlers (*see* Section 1.c.) and a prisoner who had his hand broken by a warden at St. Catherine prison. The Public Defender also was seeking compensation for a police officer who had his murder conviction overturned by the Privy Council. That officer spent 11 years in prison, and his Privy Council appeal was held up for 5 years due to the State's failure to provide the court reporter's notes to the Privy Council.

On July 26, the Senate approved the Political Ombudsman (Interim) Act, which separated the functions of the Political Ombudsman from the Public Defender's Office. The Political Ombudsman became a functionary of the Parliament, charged with monitoring the actions of political parties and their supporters in an effort to reduce political violence (*see* Sections 1.a. and 3). The Political Ombudsman is charged officially with investigating any action taken by a political party, or its members or supporters, that may constitute a breach of any agreement or code (such as the Code of Political Conduct, signed by party leaders in June), or is likely to prejudice good relations between supporters of the political parties. The act also empowers the Political Ombudsman to appoint a tribunal or political party representatives to investigate complaints.

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

The Constitution prohibits discrimination on grounds of race, place of origin, political opinions, color, creed, or sex. The Government generally enforced these prohibitions in practice, except for widespread discrimination on the basis of political opinion in the distribution of scarce governmental benefits, including employment, especially in the garrison communities (*see* Section 3).

The Jamaica Forum for Lesbians, All Sexuals, and Gays released testimony alleging human rights abuses, including police harassment, arbitrary detention, mob attacks, stabbing, harassment of gay patients by hospital staff, and targeted shootings of homosexuals. In October the United Kingdom granted three gay men asylum based on their fear of persecution in Jamaica, and other such asylum applications reportedly were pending. Individuals committed acts of violence against suspected homosexuals; for example, in May a neighbor broke into a private home and caught two boys in a homosexual act. He called other neighbors who joined him in the home. The neighbors beat the boys until they fled, leaving their clothing behind.

Women.—Social and cultural traditions perpetuate violence against women, including spousal abuse. Violence against women was widespread, but many women were reluctant to acknowledge or report abusive behavior, leading to wide variations in estimates of its extent. During the year, the number of reported incidents of rape decreased by 4 percent; however, NGOs stressed that the vast majority of rapes were not reported. The JCF rape investigative and juvenile unit, which was headed by a female deputy superintendent, handled sex crimes. The Domestic Violence Act provides remedies for domestic violence, including restraining orders and other noncustodial sentencing. Breaching a restraining order is punishable by a fine of up to about $200 (J$10,000) and 6 months' imprisonment.

There is no legislation that addresses sexual harassment, and it was a problem. There were no reports of sexual harassment of women by the police. Some observers believed that women did not report such incidents because there was no legal remedy.

The law prohibits prostitution; however, it was widespread, especially in tourist areas.

The Constitution and the Employment Act accord women full legal equality; however, in practice women suffered from discrimination in the workplace and often earned less than their male counterparts. The Bureau of Women's Affairs, reporting to the Minister of Development, oversaw programs to protect the legal rights of women. These programs had limited effect but raised the awareness of problems affecting women. During the year, the Bureau completed a review of a number of laws for gender bias and forwarded this review to Parliament.

There was an active community of women's rights groups. A month before the October election, 25 NGOs presented their "Women's Manifesto," which particularly noted the "lack of national attention to sexual crimes" and called on candidates and parties to commit to principles of the manifesto. Chief among the groups' concerns was the prevalence of a societal indifference toward, or acceptance of, rape and other sexual crimes against women and girls. The launch had moderate media support and coverage but little impact on election debates. Women's groups were concerned with a wide range of issues, including violence against women, political representation, employment, and the image of women presented in the media.

Children.—The Government was committed to improving children's welfare. The Ministry of Education, Youth, and Culture was responsible for implementation of the Government's programs for children. The Educational Act stipulates that all children between 6 and 12 years of age must attend elementary school. However, due to economic circumstances, thousands of children were kept home to help with housework and avoid school fees.

A National Youth Development Center, part of the Ministry of Education, Youth, and Culture, coordinated youth programs.

There was no societal pattern of abuse of children; however, there were numerous reports of rape and incest, especially in inner cities. NGOs reported that inner city "dons" or community leaders and sometimes even fathers initiated sex with young girls as a "right." There were 270 reported cases of carnal abuse—sex with girls under 16—during the year. The Government expressed concern about child abuse and admitted that incidents were underreported. Child prostitution was a problem (*see* Section 6.f.).

The Juvenile Act addresses several areas related to the protection of children, including the prevention of cruelty, a prohibition on causing or allowing juvenile begging, the power to bring juveniles in need of care or protection before a juvenile court, the treatment of juvenile offenders, the regulation and supervision of children's homes, and restrictions on employment of juveniles. However, resource con-

straints resulted in juveniles "in need of care or protection" being incarcerated in police lockups with adults (*see* Section 1.c.).

In 2001 the Government began the Possibilities Program to alleviate the problems of street children; the program included a care center, a resocializing center, and three skills centers.

Persons with Disabilities.—No laws mandate accessibility for persons with disabilities, who encountered discrimination in employment and denial of access to schools. Several government agencies and NGOs provided services and employment to various groups of persons with disabilities. The Minister of State for Labor and Social Security, who is blind, reported that out of a disabled population of approximately 250,000, only about 200 persons were gainfully employed—90 percent by the Government. The Government trained persons with disabilities for jobs within the information technology sector, and added two buses equipped with hydraulic lifts for wheelchairs during the year. In 2001 it was reported that numerous persons declared unfit to plead remained in prison without trial (*see* Section 1.d.). Human rights organizations were satisfied with the Chief Justice's order that each "unfit to plead" case be brought to the court's attention once a month.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form or join a trade union, and unions function freely and independently of the Government. The Labor Relations and Industrial Disputes Act (LRIDA) defines worker rights. There was a spectrum of national unions, some of which were affiliated with political parties. Between 10 and 15 percent of the work force was unionized. The country's poor economy led to a decline in union membership. Some companies laid off union workers then rehired them as contractors with reduced pay and benefits. The LRIDA prohibits antiunion discrimination, and employees may not be fired solely for union membership. The authorities enforced this law effectively.

All major trade unions were affiliated with some major regional or international labor organizations.

b. The Right to Organize and Bargain Collectively.—There were no reports of government interference with union organizing efforts during the year. Judicial and police authorities effectively enforced the LRIDA and other labor regulations. All parties were committed firmly to collective bargaining in contract negotiations, even in some nonunion settings. An independent Industrial Disputes Tribunal (IDT) hears cases where management and labor fail to reach agreement. Any cases not resolved by the IDT pass to the civil courts. The IDT generally handled 35 to 40 cases each year. Most were decided within 90 days, but some took longer to resolve due to the complexity of the dispute or delays requested by the parties.

Collective bargaining is denied to a bargaining unit if no single union represents at least 40 percent of the workers in the unit in question, or when the union seeking recognition for collective bargaining purposes does not obtain 50 percent of the votes of the total number of workers (whether or not they are affiliated with the union). The International Labor Organization (ILO) Committee of Experts (COE) considered that where there was no collective bargaining agreement and where a trade union did not obtain 50 percent of the votes of the total number of workers, that union should be able to negotiate at least on behalf of its own members. The COE requested the Government to take necessary measures to amend this legislation. The Government contended that this would unduly lengthen negotiations.

The LRIDA neither authorizes nor prohibits the right to strike, but strikes did occur. Striking workers could interrupt work without criminal liability but could not be assured of keeping their jobs. Other than in the case of prison guards, there was no evidence of any workers losing their jobs over a strike action. Workers in 10 broad categories of "essential services" are prohibited from striking, a provision the ILO repeatedly criticized as overly inclusive.

There were a few strikes during the year. In November electric utility company workers defied a 30-day injunction against strike action issued by the Supreme Court and staged a brief strike. At year's end, the Ministry of Labor was involved, and negotiations continued.

Beginning in 1999, prison guards conducted an islandwide sickout to protest the proposed reappointment of the Commissioner of Corrections. When 800 guards failed to comply with an order to return to work, the authorities placed them on forced leave at one-fourth pay, brought disciplinary charges against the guards, and declared the work stoppage illegal. On May 13, the Public Services Commission accepted the petition from the National Security Minister not to proceed with charges against those correctional officers who accepted the negotiated agreement between

the Government and their unions, and 616 warders were reinstated. They were expected to receive approximately $9.4 million (J$450 million) in back wages.

Domestic labor laws applied equally to the "free zones" (export processing zones). However, there were no unionized companies in any of the 3 publicly owned zones, which employed 7,813 workers. Organizers attributed this circumstance to resistance to organizing efforts by foreign owners in the zones, but attempts to organize plants within the zones continued. Company-controlled "workers' councils" handled grievance resolution at most free zone companies, but they did not negotiate wages and conditions with management. Management determined wages and benefits within the free zones. The Ministry of Labor is required to perform comprehensive factory inspections in the free zones once each year, and in practice it performs them at 6- to 9-month intervals. There were no reports of substandard or unsafe conditions in the free zone factories.

c. Prohibition of Forced or Bonded Labor.—The Constitution does not specifically prohibit forced or bonded labor by either adults or children, but there were no reports that this practice occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Juvenile Act provides that children under the age of 12 shall not be employed except by parents or guardians, and that such employment may be only in domestic, agricultural, or horticultural work. It also prohibits children under the age of 15 from industrial employment. The police are mandated with conducting child labor inspections, and the Ministry of Health is charged with finding places of safety for children. However, according to Ministry officials, resources to investigate exploitative child labor were insufficient. Children under the age of 12 were seen peddling goods and services or begging on city streets. There were also reports that underage children were employed illegally in fishing communities and in prostitution (*see* Section 5).

With assistance from the ILO's International Program for the Elimination of Child Labor, the Government undertook several sector-specific programs to study and combat child labor. These included a data collection component, awareness raising activities, and direct action to identify and withdraw children from the worst forms of child labor, particularly prostitution, fishing, tourism, and the informal sectors. An ILO adviser overseeing the project was assigned to the Labor Ministry and conducting various assessments of the problem.

e. Acceptable Conditions of Work.—The Government sets the minimum wage, after receiving recommendations from the National Minimum Wage Advisory Commission. The minimum wage, raised from $25 (J$1,200) to $38 (J$1,800) per week during the year, was considered to be inadequate to provide a decent standard of living for a worker and family. Most workers were paid more than the legal minimum, except in the tourism industry. Work over 40 hours per week or 8 hours per day must be compensated at overtime rates, a provision that was observed widely.

The Labor Ministry's Industrial Safety Division sets and enforces industrial health and safety standards, which were considered adequate. Public service staff reductions in the Ministries of Labor, Finance, National Security, and the Public Service contributed to the difficulties in enforcing workplace regulations.

Industrial accident rates, particularly in the bauxite and alumina industry, remained low. The law provides workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment if they are trade union members or covered by the Factories Act. The law does not specifically protect other categories of workers in those circumstances.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, there are laws against assault and fraud, and other laws establish various immigration and customs regulations. A 2000 ILO study found child prostitution, involving girls as young as 10 years old, to be a widespread problem in all parts of the country. Other than that, there were no confirmed reports that persons were trafficked to, from, or within the country.

MEXICO

Mexico is a federal republic composed of 31 states and a federal district, with an elected president and a bicameral legislature. In July 2000, voters elected President Vicente Fox Quesada of the Alliance for Change Coalition in historic elections that observers judged to be generally free and fair, and that ended the Institutional Revolutionary Party's (PRI) 71-year hold on the presidency. The peace process in Chiapas between the Zapatista National Liberation Army (EZLN) and the Government remained stalled. The EZLN has been silent since the passing of the Indige-

nous Rights and Culture law in August of 2001. There has been no dialogue between the EZLN and the Government since then because the EZLN refused to meet with the Government's representative, Luis H. Alvarez. Sporadic outbursts of politically motivated violence continued to occur throughout the country, particularly in the southern states of Chiapas, Guerrero, and Oaxaca. The judiciary is generally independent; however, on occasion, it was influenced by government authorities particularly at the state level. Corruption, inefficiency, impunity, disregard of the law, and lack of training are major problems.

The police forces, which include federal and state judicial police, the Federal Preventive Police (PFP), municipal police, and various police auxiliary forces, have primary responsibility for law enforcement and maintenance of order within the country. However, the military played a large role in some law enforcement functions, primarily counternarcotics. There were approximately 5,300 active duty military personnel in the PFP as permitted by the 1972 Firearms and Explosives Law. Elected civilian officials maintain effective control over the police and the military; however, corruption is widespread within police ranks and also is a problem in the military. The military maintained a strong presence in the state of Chiapas and a lesser, but still significant, deployment in Guerrero. Military personnel and police officers committed human rights abuses.

During the year, the market-based economy began a slow recovery after the 2001 global economic slowdown. In 2001 the country's population was estimated at 98.8 million persons. Gross Domestic Product grew at an annualized rate of 2.1 percent during the first half of the year after declining by 0.3 percent in 2001. The rate of inflation was 4.4 percent. Leading exports included petroleum, automobiles, and manufactured and assembled products, including electronics and consumer goods. During the year, industrial production slowly recovered after contracting by 2.5 percent in 2001. Over the last year, automobile production, a key sector, fell by 2.7 percent; however, economic forecasters anticipate automobile production will grow in the future. Average wages increased by 5.8 percent during the year, slightly higher than the 5.5 percent rate of inflation in the same period in 2001 and higher than the Government's target rate of 4.5 percent. An estimated 25 percent of the population resides in rural areas where subsistence agriculture is common. Income distribution remains skewed: in 2000, the top 10 percent of the population received 37.8 percent of total income while the bottom 20 percent earned an estimated 3.6 percent.

The Government generally respected many of the human rights of its citizens; however, serious problems remained in several areas, and in some states, especially Guerrero, Oaxaca, and Chiapas, where a poor climate of respect for human rights presented special concern. Federal and state law enforcement officials and one member of the military were accused of committing unlawful killings. There were reports of vigilante killings. There were documented reports of disappearances. The police sometimes tortured persons to obtain information. Prosecutors used this evidence in courts, and the courts continued to admit as evidence confessions extracted under torture. There were cases of police torture of suspects in custody that resulted in deaths. Impunity remained a problem among the security forces, although the Government continued to sanction public officials, police officers, and members of the military. Widespread police corruption and alleged police involvement in narcotics-related crime continued, and police abuse and inefficiency hampered investigations. Narcotics-related killings and violence increased, particularly in the northern states and Mexico City. Prison conditions were poor. The police continued to arrest and detain citizens arbitrarily. Lengthy pretrial detention, lack of due process, and judicial inefficiency and corruption persisted. The authorities on occasion violated citizens' privacy. Indigenous people's access to the justice system continued to be inadequate. There were reports of forced sterilizations in marginalized communities, especially indigenous areas. Human rights groups reported that armed civilian groups in the state of Chiapas continued to commit human rights abuses, and some observers alleged that the Government used excessive force during incidents of conflict with likely sympathizers of rebel groups in Chiapas and Guerrero. There was an increase in confrontations between armed civilian groups and sympathizers of the Zapatista National Liberation Army (EZLN). Isolated guerrilla attacks against government property and personnel continued; however, there were fewer such attacks than in previous years. Journalists investigating drug trafficking occasionally were threatened by narcotics traffickers, primarily in the northern states. Corrupt members of the police sometimes violated the rights of illegal immigrants. Human rights workers continued to be subjected to attacks and harassment. Violence and discrimination against women, indigenous people, religious minorities, homosexuals, and individuals with HIV/AIDs persisted. Sexual exploitation of children continued to be a problem. There were credible reports of limits on freedom of association and work-

er rights. There was extensive child labor in agriculture and the informal economy. Trafficking in persons, including children, remained a problem, and there were credible reports that police and other officials were involved in trafficking. Mexico was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The Government continued to take important steps to improve the human rights situation; however, its efforts continued to meet with limited success in many areas. In addition, it increased its efforts to enhance cooperation with the international community and with domestic human rights groups during the year. The coordination of the Inter-Secretarial Commission on Human Rights, composed of members from the secretariats of government (SEGOB), Foreign Relations (SRE), Defense (SEDENA), the Attorney General's office (PGR) and others, has passed from the SRE to the SEGOB, with the added participation of civil society and human rights NGOs as permanent members rather than as observers. On July 30, the Secretary of government, Santiago Creel, announced the creation of a new sub-secretariat for human rights tasked with attending efficiently to political and social conflicts, fortifying relations with Congress to promote human rights-related legislation, and emphasizing the President's commitment to human rights. The new sub-secretary had not been named at year's end. On July 1, Foreign Minister Jorge Castaneda and U.N. High Commissioner for Human Rights (UNHCHR) Mary Robinson jointly announced the establishment of a UNHRC office in Mexico. The office will help the Government undertake a study of the human rights situation in the country and to formulate a national human rights program. On November 11, President Fox met with Amnesty International secretary general Irene Kahn who reproached the President for the lack of progress in the investigation of the death of Digna Ochoa and the lack of a cohesive national human rights plan. Fox emphasized the Government's commitment to human rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Members of the security forces and federal and state police were accused of committing a number of killings during the year.

On March 29, members of Federal Investigations Agency (AFI) under the PGR's office arrested Guillermo Velez Mendoza for suspected involvement in a kidnaping case. Velez died in the custody of the AFI agents 5 hours later. Varied initial reports stated that Velez died of natural causes while in custody, while being subdued during an attempt to escape, or as the result of a fall; however, subsequent investigations revealed that he died from asphyxiation while being tortured. On May 14, the National Human Rights Commission (CNDH) ruled that Velez was subjected to "arbitrary detention, cruel and degrading treatment and homicide." On August 8, the Mexico State Attorney General's office ordered (PGJEM) the arrest of five AFI agents for being accessories to aggravated homicide, acting against the administration of justice, and abusing authority. One of the agents, commander Hugo Armando Muro Arellano, who is suspected of applying the headlock which resulted in Velez' death, was freed on bail and was a fugitive at year's end.

On May 20, elements of the Federal District Secretariat of Public Security (SSP) arrested Jose Gabriel Martinez Romero, an active duty major in the Armed Forces, in a hotel in Mexico City for disorderly conduct and possession of a gun and transported him to a PGR sub-delegation office in Azcapotzalco. Police found him dead in the back of the vehicle when it arrived at the PGR office. Investigations revealed that cause of death was pulmonary arrest and hemorrhage of the pancreas. The authorities implicated 25 police officers in the death. At year's end, 6 officers were released, 17 remained in custody pending further investigation, and 2 had not been found.

On May 24, a group of soldiers shot at a group of Central American migrants, killing two Hondurans, Elmer Alexander Pacheco Barahona and another youth only known as David, both age 16, and wounding two, Pacheco's brother Antonio and Jose Rodolfo Rivas Ramirez from El Salvador. In November the authorities arrested and charged soldier Ricardo Olvera Venegas with the killing of two youths.

On May 28, in Monterrey, Nuevo Leon state, Francisco Medellin Alberto died in custody during an interrogation by the ministerial police who arrested him on suspicion of robbing an automatic teller machine. The PGR confirmed that Medellin died of asphyxiation while apparently being tortured in the basement of the Ministerial Police building. Two police agents abandoned the body at the University Hospital. Suspects Juan Manuel Gutierrez Navarro, Juan Cruz Rosales, and Sergio

Martinez Acosta had been arrested, and Jorge Julio Estupinian de la Rosa was a fugitive at year's end. Three other police agents are suspected of involvement in the death. The investigation continued at year's end.

On June 17, Roberto Carlos Mendoza Zuniga died in his cell at the PGR in San Nicolas, Nuevo Leon state from a gunshot wound inflicted by police agent Alejandro Huerta Rivera during a scuffle with Mendoza after his arrest on June 15 for possession of marijuana and drunkenness. Huerta Rivera and another agent, Cesar Alberto Perez Melendez, were arrested in connection with the death. The investigation continued at year's end.

On June 11, SSP agents shot Josue Ulises Banda Cruz, age 17, while he was running away from police. The police proceeded to load Banda into the police car and drove off. His body was found in front of a house in Colonia Granjas in Mexico City a short time later. The Federal District Human Rights Commission (CDHDF) condemned the police actions. Sixty-two police were under investigation by Federal District authorities for suspected involvement or cover up in the crime. David Leon Mendez, director of the Sector Police, was temporarily suspended pending investigation into his part in covering up for two police officers sought in the case.

On May 31, an undetermined number of assailants shot and killed 26 peasant farmers near Agua Fria, Oaxaca. Police arrested 16 persons from Santo Domingo Tejomulco in connection with the crime. The National Human Rights Commission (CNDH) determined that the killing was part of an ongoing land dispute between the two communities dating back to 1935 and called on state judicial authorities to continue to investigate the killing.

There were no significant developments in the investigation into the October 2001 death of human rights defender Digna Ochoa y Placido (*see* Section 4).

At year's end, government authorities were investigating the July 2001 killing of Everardo Obregon Sosa, a municipal Democratic Revolutionary Party (PRD) leader in Culiacan, Sinaloa.

During the year, federal judges denied the request for release of federal police officers Jorge Encarnacion Perez Barreto and Fabian Garcia Venegas, accused of killing Hector Manuel Bear Alvarez and wounding six other persons in May 2001. Both officers remained in prison at year's end. Fabian Garcia Venegas, had other outstanding charges against him, including abuse of prisoners (*see* Section 1.c.).

During the year, the Mexico State Human Rights Commission (CEDH) completed its investigation of the June 2001 death of Alfonso Escamilla Casimiro in his cell in Teoloyucan, Mexico state and made a six-point recommendation to the Teoloyucan Municipal Police, including the investigation of three agents of the Transit and Public Security Office and three members of the Office of Civil Protection and Firemen. The Municipal Police completed four of the recommendations, and partially completed two others. The Municipal Police declined to investigate the public servants due to lack of evidence.

At year's end, it was not known whether judicial proceedings had begun against Vicente Pena Zuniga, Efrain Cruz Bruno, and Nicasio Bernardino Lopez for the May 2001 killing of Fidel Bautista Mejia in Putla, Oaxaca.

There were no significant developments in the investigation of the May 2001 killing of Jesus Carrola, former chief of the Mexico City judicial police force, and his two brothers. The Mexico City Human Rights Office (CDHDF) found that there had been a violation of human rights; however, the CDHDF closed the case in June 2001.

No information from Military Justice was available concerning the charges against military personnel for the separate January 2001 killings of Esteban Martinez Nazario and Rodrigo Torres Silvain.

On August 13, judicial policemen Luis Carlos Morales Romo, Jose Isable Vargas Davila, Armando Ovando Rios and Marco Antonio Constantino Gonzalez were tried and found guilty of homicide and aggravated robbery for the 2001 killing of 10-year-old Roberto Blancas.

There were no developments in the investigation of the November 2001 abduction and killing of Raul Varela Meza, Juan Antonio Chavez, Eduardo Ramirez, and Lorenzo Barraza in Ciudad Juarez.

There were several killings of journalists during the year, allegedly by narcotics traffickers (*see* Section 2.a.).

There were a number of deaths in prisons during the year. The CNDH investigated three cases during the year. Two were confirmed to be suicides and one was under investigation at year's end.

There were numerous reports of executions carried out by rival drug gangs, whose members included both active and former federal, state, and municipal security personnel. Throughout the country, but particularly in the northern border states, violence related to narcotics trafficking continued. The preliminary number of docu-

mented deaths related to narcotics trafficking for the year was 123; however, the final confirmed number may be significantly greater. Most of the deaths were execution style killings. Between January and August 31, 57 murders with presumed or proven drug connections occurred in the Ciudad Juarez area, a 62 percent increase over the number of killings in the same period last year.

On November 12, heavily-armed assailants killed four police officers and wounded five in a shootout in Sinaloa's capital city of Culiacan. The police wounded three of the attackers, and one of them later died in a hospital. Police had not commented officially on a motive by year's end. Sinaloa has been plagued with drug-related shootings in the past.

In November the governor of Nayarit state asked federal authorities to help investigate a series of violent incidents in the state's mountain region. The incidents began in July and resulted in at least eight deaths, including that of a police officer, a state government employee, and a city councilman in La Yesca. Local law enforcement officials stated that these incidents were nothing other than the work of common bandits. However, local residents alleged that guerrilla groups committed the killings. State and federal authorities determined that the violent incidents were the work of ordinary criminals and launched a public information campaign.

The police and military were accused of committing serious human rights violations as they carried out the Government's efforts to combat drug cartels. In the first 80 days of the Fox administration, there were nearly 2,000 arrests nationwide connected to drug trafficking. There were several instances in which members of security forces, including military elements, have been apprehended for working for or with narcotics traffickers.

On June 7, two soldiers from the 37th Infantry Battalion and two indigenous local residents were killed in the vicinity of Huecato, Michoacan, during a gun battle when a routine patrol came across a group of indigenous people who were allegedly engaged in illegal logging. A third soldier was injured. It was not clear who started the shooting. No formal complaint had been made to either the state or national commission on human rights regarding the initial incident. The Congressional Human Rights Commission for the state of Michoacan reportedly initiated an investigation.

In December 2001, Jose Romualdo Quintero Carrizoza was arrested in Tijuana, Baja California, in an anti-kidnaping operation. Subsequent investigations between authorities in Baja California and Sinaloa and fingerprint matches identified Quintero as being one of the perpetrators of the February 2001 killing of 12 persons in the town of El Limoncito, Sinaloa. Investigations into the case continued at year's end.

There were no developments in the 2000 hanging deaths near El Quelite, Sinaloa state of five men with known drug connections whom witnesses alleged were detained by individuals in PFP uniforms.

Investigations into the presumed suicide of Jose Manuel Urbina, who was found drowned in a Durango state security facility in 2000, found that Urbina had hidden from police officers in the water cistern of the house where he was being held. The police officers were given administrative sanctions for dereliction of duty. The policemen were drinking that night and did not realize Urbina had hidden in the cistern.

On November 13, press sources reported that 18 persons were sentenced to 36 years and 3 months in prison for their participation in the killings of 45 persons in Acteal, in the Chenalho municipality of Chiapas in 1997. Twenty-nine arrest warrants were still outstanding at year's end. During a visit to Mexico in July, Juan Mendez, president of the Inter-American Human Rights Commission (IAHCR), met with NGOs and family members to follow up on progress made on the Acteal case.

In January the Attorney General of Military Justice announced the reopening of the investigation of the 1995 death of Air Force Lieutenant Jose Raul Vargas Cortez. The current Secretary of Defense ordered the investigation reopened to determine if there were errors or omissions in the case.

In June the Congress of Guerrero state requested that federal authorities reopen the investigation into the 1995 Aguas Blancas massacre of 17 indigenous farmers. Both the federal and state governments previously had considered the case resolved.

On August 18, unknown armed assailants killed a PGR official and wounded a judicial police agent in El Bosque municipality, Chiapas. On September 5, seven inmates escaped from the state penitentiary in Mexicali, Baja California; three of the inmates still at large from the escape were implicated in the execution-style killing of three state police agents early in the year (*see* Section 1.c.). On September 9, unknown assailants killed one policeman and wounded two in an ambush in El Bosque. The federal Attorney General's office was investigating the August incident at year's end. On October 4, state police arrested two individuals in connection with

the September incident and charged them with homicide, robbery, and illegal weapons possession.

Investigations continued into the 2001 killings of two federal judges in Mazatlan, Sinaloa state.

There were no developments during the year related to the June 2000 ambush in El Bosque that left seven Chiapas state policemen dead. In 2000, the PGR arrested PRI supporter Alberto Patishtan Gomez and EZLN supporter Salvador Lopez Gonzalez in connection with the ambush, on charges of murder, robbery, and possession of illegal weapons. The PGR charged that Patishtan and Lopez were part of an armed 10-person group that carried out the attack. Patishtan later was released for lack of evidence and the Fray Bartolome de Las Casas Human Rights Center continued to maintain Lopez's innocence, claiming there was insufficient proof against him as well. He remained in custody at year's end.

In August Omar Alberto Morales Patino, former head of the federal police in Casas Grandes and Parral, Chihuahua, was arrested in the state of Mexico and charged with the murders of several informants in Chihuahua in 2000.

There were incidents of vigilante justice. In January a crowd in Puebla killed Silvestre Portillo as he tried to escape after robbing money that was destined for an education, health, and nutrition program. In June a crowd in San Cristobal de las Casas, Chiapas, presuming that Domingo Santiz Diaz and Pascual N. (last name unknown) were responsible for the death of Diego Gomez Gomez, treasurer of the La Candelaria community education committee, lynched them and severely beat two other persons. On December 5, two thieves caught in the act of trying to rob a taxi were lynched in the Milpa Alta area on the outskirts of Mexico City.

b. Disappearance.—There continued to be credible reports of disappearances. NGO sources continued to report that many disappearance cases were in fact cases of prolonged detention by security forces (*see* Section 1.d.)

On June 3, the CDHDF concluded that at least two members of the Federal District Judicial Police, Leticia Cordero Becerra and Luis Jaffet Rodriguez Jasso, were involved in the March 14 disappearance of Jesus Angel Gutierrez Olvera who was forced into a waiting automobile. Witnesses identified Ricardo Sanchez Vascoy, another judicial policeman, as having demanded money from Gutierrez the day before the disappearance occurred. The implicated police officers were questioned but denied any involvement. The investigation continued at year's end. On October 11, the Interamerican Human Rights Commission requested protection for Gutierrez' mother, Leonor Olvera.

On March 14, the Guerrero state Human Rights Commission (CEDH) called on the state Attorney General's office (PGJE) to process judicially a number of police suspected of being involved in the June 2001 disappearance of Faustino Jimenez Alvarez. The report criticized the PGJE for failing to forward a copy of the investigation and for denying the CEDH permission to participate in the preliminary investigation. The CEDH also requested protection for the wife of Jimenez Alvarez, stating that she could be the subject of reprisals. At year's end, members of the Peace Brigades International provided her with an escort.

In July Jose Luis Soberanes, President of the CNDH, criticized the Government for not acting upon the recommendations contained in the November 2001 CNDH's Special Program on the Presumed Disappeared (PREDES) report on the presumed forced disappearances of 532 persons, the majority dating from the 1970s. He alleged that although the Government had accepted the report's recommendations by creating a Special Prosecutor For Investigating Acts Committed Directly or Indirectly by Public Servants that Probably Constitute Federal Crimes Against Persons Associated with Social and Political Movements of the Past (Special Prosecutor), it had failed to act upon them.

Ignacio Carrillo Prieto, the Special Prosecutor, continued his investigations into the disappearances of 532 persons and the killings in October 1968 and June 1971. His office created a national register for indigents to verify if anyone related to the disappearances during the "dirty war" of the 1960s and 1970s may have been released, but with deteriorated mental faculties. The office also produced a DNA data bank with 112 blood samples to be used to identify remains found in clandestine cemeteries.

In an unprecedented move, the Special Prosecutor called former President Luis Echeverria to testify on his involvement in the October 1968 killings in Tlatelolco when he was Secretary of government and the June 1971 "Jueves de Corpus" killings during his presidency. On July 9, Echeverria appeared before the Special Prosecutor to hear more than 150 questions; however, he failed to reappear later to answer the questions, even though his attorneys had been granted an extension of 40 days.

On November 6, Alfonso Martinez Dominguez, Head of Federal District government during the events in 1971, died without answering questions posed to him during an August 22 questioning by Carrillo Prieto. On November 11, the special prosecutor called retired General Luis Gutierrez Oropeza, head of the Presidential Security (EMP) during 1968, to testify. Oropeza requested an extension of time to answer in written form 36 questions posed by the special prosecutor's office. On December 12, Oropeza answered most of the questions in written form. He admitted that he had sent elements of the Army to the plaza, but denied posting sharpshooters on roofs.

On March 14, the Guerrero CEDH published a recommendation against 16 members of the state judicial police for arbitrary detention and forced disappearance in the 2000 disappearance of Maximo Marcial Jaimes.

On September 26, the Attorney General of Military Justice (PGJM) indicted Generals Francisco Quiros Hermosillo and Arturo Acosta Chaparro on charges of aggravated homicide during the so-called "Dirty War". The generals are accused of the death and disappearance of over 130 persons in the state of Guerrero during the period 1971–78. On November 1, an all-military panel found the generals guilty of crimes against public health (narcotics-related), but innocent on charges of conspiracy and bribery. The generals received sentences of 16 and 15 years respectively, were stripped of their rank and benefits, and received fines of approximately $150 (1,500 pesos). The generals immediately appealed their convictions. They will remain in custody until the trial for the human rights-related charges concludes.

The Specialized Unit for Combating Organized Crime (UEDO) announced that there were 350 kidnapings for ransom during the first 8 months of the year compared with 732 kidnapings in 2001; however, many kidnapings were not reported. The UEDO also reported that it had broken up 20 kidnaping rings and arrested 75 persons.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the law prohibit torture; however, it continued to be a serious problem. The Constitution excludes as evidence confessions obtained in the absence of the accused person's defense attorney, and the law excludes coerced confessions, including those extracted under torture (*see* Section 1.e.). To be admissible as evidence, confessions must be made to the Public Ministry or a judge and in the presence of a defense attorney. However, the police regularly obtain information through torture, prosecutors use this evidence in courts, and the courts continue to admit as evidence confessions extracted under torture. The military also has been accused of using torture. According to a July 2001 Amnesty International report, victims and human rights workers who report or criticize the practice of torture often were the targets of intimidation. Many victims were afraid to report or follow through on complaints against the police, thereby hampering prosecution of the perpetrators.

The CDHDF reported that it had received 87 complaints of torture in the Federal District during the year. In 23 cases, the victims did not pursue their complaints. In August the Secretariat of Foreign Relations stated that torture is a common practice in the country; however, the lack of a law that provides a legal definition of torture has made it difficult to identify and eradicate. It is classified as abuse of authority or injury and therefore, a crime.

In August Roberto Garreton, the representative for Latin America to the UNHCHR, stated that torture continued in the country; however, he stated that he had seen positive changes since he last visited the country in 1998.

The Miguel Agustin Pro Center for Human Rights (PRODH) documented 16 cases of torture in the first 6 months of the year. The police or the military in Colima, Guerrero, Chiapas, the Federal District, Jalisco, Sinaloa, Queretaro and Nuevo Leon tortured a total of 35 persons, with involvement by the judicial police in 12 cases.

In April the CNDH reported that the PGR had the most complaints of torture among federal agencies. On October 10, the PGR inaugurated new "Units for the Protection of Human Rights," which are responsible for overseeing that the PGR as an agency respects human rights.

The authorities rarely punish officials for torture, which continues to occur in large part because confessions are the primary evidence in many criminal convictions. Many human rights groups link torture to the prevalence of arbitrary detention and claim that torture often follows an arbitrary arrest, sometimes without a warrant, as police or prosecutors attempt to justify the detention by securing a confession to a crime (*see* Section 1.d.). Poorly trained and inadequately equipped to investigate crimes, police officers often attempted to solve crimes by rounding up likely suspects and then extracting confessions from them by force. In July 2001, Amnesty International alleged that as a result those responsible for 95 percent of recorded crimes never are apprehended and brought to justice.

By year's end, no official results of the PGR internal investigation into the April 2001 federal police beating of Angel Abel Duran had been released.

During the year, the Mexico state CEDH closed its investigation into the 2001 beating of Alvaro Rayon because it was unable to locate him at the address that he provided, and he failed to provide more information on the incident.

There were no developments in the February 2001 torture of Norberto Jesus Suarez Gomez, the head of the PGR's Chihuahua state office. The PGR had accepted the CNDH's recommendations and suspended 16 officials pending criminal and administrative investigations. Suarez remained in custody on illegal enrichment charges.

On September 18, the Michoacan state human rights office reversed its March 2001 dismissal of allegations made by Ivan Ramirez and Israel Molina that they were tortured in 2000 in Nueva Italia because it determined that its original investigation had not been conducted properly.

There were no developments in the 2000 case of Jose Luis Mendez Briano and Fernando Martinez Beltran, who allegedly were tortured after being arrested while making their getaway from a robbery.

There were no developments in the case of the former president of the Guerrero state PRD, David Molina Francisco, who alleged that he was held hostage for 40 hours by military personnel in April 2000. In June 2000, the Guerrero CEDH forwarded the case to the CNDH for further investigation.

A 1998 report by the IACHR described a definite pattern of rape and sexual assault against women committed by members of the security forces. The Commission stated that some women had been assaulted sexually by law enforcement officials, particularly those in detention, or had been assaulted by others with the officials' consent.

On February 16, in Acatepec, Guerrero members of the 41st Infantry Battalion allegedly raped 17-year-old Valentina Rosendo Cantu when she was washing clothes by a creek. On March 22, in Ayutla, Guerrero three soldiers from the 41st Infantry Battalion allegedly raped Ines Hernandez Ortega in her home. Eight other soldiers stole some meat she had in the house. CNDH officials were investigating these rapes. SEDENA denied the accusations; however, it promised to assist civil authorities in the investigations.

Many citizens distrust the justice system, including law enforcement officials, and are reluctant to register official complaints.

By year's end, the PGR had not finished preparing a manual called "Procedure Model for the Detection of Torture" based on the UNHCHR's manual for training on the investigation and documentation of torture, based on the Istanbul Protocol.

Police abuse and inefficiency hamper investigations. In November 2001, the bodies of eight young women who had been raped and killed were found in an empty lot adjacent to a busy intersection in Ciudad Juarez. State authorities arrested two bus drivers accused of the crimes within 3 days but the drivers alleged their confessions were obtained under torture. Their attorney was subsequently shot and killed by the State Police following a high-speed car chase during which the attorney called his father and reported that he was being pursued. The police originally alleged that he had died of injuries received when his car crashed but were forced to retract that information when it was revealed that he had been shot in the head. The officers involved in the case were questioned but never charged nor disciplined. As of September, they continued in their official capacity. The bus drivers remain jailed pending sentencing (*see* Section 5). There have been 325 women killed in Ciudad Juarez since 1993.

Police corruption is a problem. Police have been involved in kidnapings, armed robbery, and extortion, as well as protection of criminals and drug traffickers. There have been more arrests of security forces this year. For example, the Public Safety Secretary for the Federal District (SSP), Marcelo Ebrard Casaubon, cracked down during the year on police corruption and abuses. At year's end, 72 SSP officers had been incarcerated, 26 for homicide and the remainder for other violations including robbery. Police corruption is a problem. On April 10, troops from the Army and agents from the AFI supervised by the Special Branches of the PRG lured over 150 municipal and state police officers from throughout northern Baja California for a meeting, then arrested more than 50 officers for corruption. Several of those arrested were high-ranking police officials, including the police chief of Tijuana. Military aircraft flew a number of these officers to Mexico City. Many were later released by the authorities.

During the year, the Internal Affairs Division of the Chihuahua state Judicial Police investigated approximately 104 complaints against police officials for corruption, bribery, threats, abuse, murder, and kidnaping. Among the cases being investigated was the murder of a former state police officer by a member of the special Joint

Federal-State Anti-Organized Crime Unit called Grupo Orion. In January the interim mayor of Ciudad Juarez dismissed 140 city police for drug abuse, theft, and running protection rackets for drug smugglers.

In the past, there were reports that police extorted money from street children, at times abused homosexuals (*see* Section 5), and violated the rights of illegal immigrants (*see* Section 2.d.).

Prison conditions remained poor. Many prisons are staffed by undertrained and corrupt guards. Prisoners complain that they must purchase food, medicine, and other necessities from guards or bribe guards to allow the goods to be brought in from outside. In many prisons inmates exercise authority, displacing prison officials. Influence peddling, drug and arms trafficking, coercion, violence, sexual abuse, and protection payoffs are the chief methods of control used by prisoners against their fellow inmates. Prisons vary widely in their ability to meet basic needs of life, keep prisoners safe and healthy, and provide opportunities for work and education; however, almost all fall short of these aspirations.

The penal system consists of 448 facilities: 5 federal penitentiaries, 8 federal district prisons, 336 state prisons, and 99 municipal and regional jails. According to the Public Security Secretariat, as of July, there were 174,057 prisoners; 101,485 were serving their sentence, and 62,572 were awaiting sentence. Although the Constitution calls for separation of convicted criminals from detainees held in custody, in practice these requirements were disregarded routinely as a result of overcrowding. Prison overcrowding continued to be a common problem, despite an early release program endorsed by the CNDH, legal reforms that reduced the number of crimes that carry mandatory prison sentences, and the construction of new prisons. According to the Secretariat for Public Security, the country's 446 penal facilities are overpopulated by approximately 28 percent; 174,057 prisoners are being held in facilities that have a capacity of 136,447 prisoners. In July the Secretariat announced that Baja California at 189 percent and Sonora at 130 percent, were the most overpopulated state prison systems; in Nayarit the rate of overpopulation is 75 percent, in Chiapas 98 percent, in Sonora 82 percent, in Tamaulipas 66 percent, in Oaxaca 21 percent, in Puebla 25 percent, and in the Federal District 53 percent. The prisons with the largest overpopulation are: Reclusorio Norte, Reclusorio Oriente, and Reclusorio Sur in Mexico City, the state prison in Ciudad Juarez, and La Mesa prison in Tijuana. In July the Secretariat reported that the total capacity of existing facilities in Mexico City is 14,864; however, they held slightly more than 22,814 inmates.

At year's end, the population of the prisons in Ciudad Juarez was 3,628. In August the director of the state penitentiary stated that 1,537 inmates slept in the corridors of the prison because there were neither beds nor cells for them as a result of overcrowding. A new prison originally scheduled for completion in 2000 may be completed by late 2003.

Health and sanitary conditions are poor. In 2000, doctors at a prison in Nuevo Laredo resigned, citing unhealthy conditions such as inadequate food and water as the reason for their resignations. They stated that conditions such as mange, HIV/AIDS, and tuberculosis are known to the authorities who fail to take any action to treat and segregate sick inmates. In March 2001, the CNDH reported that HIV/AIDS and associated illnesses were the leading cause of death among inmates in the Federal District. The deaths of 20 inmates from HIV/AIDS-related complications in 2000 underlined the need for awareness, prevention, and treatment programs. The CNDH also noted that HIV-positive prisoners are subject to mistreatment and discrimination in prisons (*see* Section 5). For example, the Multisectoral Group of Citizens with HIV/AIDS claimed in 2001 that 30 HIV-infected inmates in the state prison in Merida, Yucatan suffered discriminatory treatment and insufficient access to health care. There were no developments in the case of Eugenio Almaraz Garcia, who died in 2000 from presumed neglect by the director of the Pochutla, Oaxaca prison.

In August approximately 2,000 federal, state, and municipal police agents, as well as military elements, participated in a surprise dawn raid to transfer 2,200 inmates from La Mesa prison in Tijuana, Baja California to a new prison at El Hongo, Tecate, Baja California and other installations. La Mesa housed 6,400 inmates in a facility designed for 1,800. The CNDH has labeled it the worst detention facility in the country. Cells were converted into apartments and sold for $300 (3,000 pesos) per month in a facility where 4,500 prisoners had neither a cell nor bed in which to sleep. An entire city existed within the prison complete with 150 commercial enterprises, such as stores, taco stands, and restaurants, all run by inmates. Prisoners' spouses and children (100 women and 220 children) lived with them within the prison.

Female prisoners are held separately from men. Women make up approximately 4.5 percent or 7,841 of the 174,057 total prison population. Of the 448 prison facilities in the country, 230 of them house female prisoners. A new prison for men was under construction in Mexico City during the year and expected to be completed in March of 2003. The prison will have the capacity to house 2,346, thereby alleviating some of the prison overcrowding in the Federal District.

In April the Director of the State Penitentiary (CERESO) in Ciudad Juarez announced that the authorities had dismantled a prostitution ring in the CERESO. In addition, prison authorities discovered that prostitutes from the outside were operating within the prison walls during visiting hours.

Juveniles are held separately from adults.

Drug use continued to be a major problem in the Ciudad Juarez prison, with over 70 percent of the prisoners suffering some form of addiction. A new rehabilitation program in the prison can accommodate only 70 prisoners at a time. On March 23 and 24, prisoners in Ciudad Juarez rioted, demanding drugs and protesting an attempt by prison authorities to slow the flow of drugs into the prison. Major structural damage, including looting of the infirmary, occurred. In September 130 prisoners suffering from withdrawal symptoms in the prison in Chihuahua City rioted, destroying part of the cellblocks and damaging the infirmary. In the aftermath of the riots, prisoners who participated in the violence, as well as some who did not, were transferred to other prisons. Families of the transferred prisoners were unable to locate them. In April and September, inmates in the Ciudad Juarez prison were killed, reportedly for drug-related business. In May the authorities found a tunnel that went from outside the walls of the prison into the area of the prison in which most drug traffickers are held. The juvenile detention center in Ciudad Juarez suffered two riots during the year. On June 22, juveniles rioted, severely damaging one of the buildings, after a guard allegedly beat a detainee. On February 7, several members of a gang started a disturbance to cover their plans for an escape. Others joined in and by the time state police had quelled the riot, over 100 juveniles had taken part.

There is no specific law or regulation that prohibits human rights organizations or other NGOs from visiting prisons, and some do; however, in practice, the CNDH and state human rights commissions conduct the majority of prison visits focused on human rights issues. In July the International Committee of the Red Cross (ICRC) regional office in San Cristobal de la Casas and the Government agreed that the ICRC could visit prisoners in Chiapas, Queretaro, and Tabasco with only prior notification of the visit to prison authorities. The ICRC notifies the Ministry of Foreign Relations and receives prior permission to make prison visits to other areas of the country.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the police continued to arrest and detain citizens arbitrarily (*see* Section 1.b.). Arbitrary arrest and detention continued to be among the most common human rights abuses. Legally, a prosecutor may hold a detainee no more than 48 hours before he must present the accused to a judge, except when the accused is caught in the act or within 72 hours of committing a crime. In June 2001, the federal legislature criminalized forced disappearance, including illegal detentions; the law also prohibits sponsoring or covering up an illegal detention (*see* Section 1.b.).

NGO sources report that a great number of disappearances eventually are found to be cases of arbitrary detention by security forces (*see* Section 1.b.). Many human rights groups link torture to the prevalence of arbitrary detention and claim that torture often follows an arbitrary arrest, sometimes without a warrant, as police or prosecutors attempt to justify the detention by securing a confession to a crime (*see* Section 1.c.). According to PRODH, incommunicado detention is a frequent practice (*see* Section 1.c.).

Reports of arbitrary detention occurred with greatest frequency in Chiapas, Oaxaca, Guerrero, the Federal District, and Tabasco. The states' attorney general personnel, state police, and the army were the most frequent abusers of detention laws. In June 2001, the newspaper La Jornada reported that between January and June 2001, the Attorney General's office had received 62 complaints for arbitrary detention and an equal number for detentions longer than the legal limit. During the year, the CNDH reported that it had received 293 complaints, 18 for alleged torture, against the PGR, making it the Government agency with the most complaints lodged against it.

From October 26 to November 6, a U.N. Working Group on Arbitrary Detention visited the states of Guerrero, Oaxaca, Jalisco, Mexico, and the Federal District. The group concluded that arbitrary arrest in the country was generated by corruption

and the notorious impunity enjoyed by those who commit it—police and military—and by the tolerance of this practice within the police structure.

In February Amnesty International reported the continued use of arbitrary detention, torture and ill-treatment by government authorities, especially state government authorities, carrying out policing operations.

In June 2001, the CNDH reported that arbitrary detentions constituted a common practice of the Federal Judicial Police (since reorganized and renamed as the AFI) as well as of other police bodies, and urged the PRG and the SSP to expand human rights training concerning arbitrary detention; to issue specific orders to their police forces to halt arbitrary detentions immediately; and to instruct prosecutors to protect persons who may have been detained arbitrarily.

In February the UNHRC declared illegal and arbitrary the 1999 capture of four suspected members of the Revolutionary Army of the Insurgent People (ERPI)—Jacobo Silva Nogales, Carlos Gracia Rosales, Gloria Arana Agis and Felicitas Padilla Navas—accused of organized crime, storing firearms, and possession of ammunition. The Commission stated that the Universal Human Rights Declaration and the Treaty on International Civil and Political Rights had been violated. However, the four remained in detention at year's end pending the decision of the first district judge in Toluca.

In February the Mexico state human rights commission (CDHEM) recommended that the mayor of Atizapan take action against Rosendo Rojas, a municipal police officer, who took a minor from his classroom and detained him illegally following a fight with another student outside the school grounds. The CDHEM also recommended that the municipal police receive training regarding arrest and detention. The police officer in question was being held on charges of murdering another minor at year's end.

In July the CNDH issued a recommendation with respect to the arbitrary detention and abuse of 69 members of the San Jose community in Chiapas. At least 40 were injured during a July 2001 Judicial Police operation to rescue 6 government employees who were being held by local sympathizers of the Regional Independent Campesino Movement-National Ayala Plan Coordinator (MOCRI-CNPA) as a form of protest.

The Constitution provides that the authorities must sentence an accused person within 4 months of detention if the alleged crime carries a sentence of less than 2 years, or within 1 year if the crime carries a longer sentence. In practice, judicial and police authorities frequently ignored these time limits (*see* Section 1.e.). Criminal defendants often were held with convicted prisoners (*see* Section 1.c.). There were previous reports that police demanded bribes to release suspects (*see* Section 1.c.). Many detainees reported that judicial officials often solicited bribes in exchange for not pressing charges (*see* Section 1.e.). Those able to pay were released from custody. Corruption is rampant throughout the criminal justice system.

Judges often failed to sentence indigenous detainees within legally mandated periods (*see* Section 1.e.). In 1996 the CNDH reviewed 8,661 files of indigenous persons who were detained and recommended the immediate release of 1,727 persons. In 1999 the CNDH signed an accord with the Secretariat of government, the PGR, the Federal Institute of the Public Defense office, and the National Indigenous Institute (INI) to develop a program for the early release of indigenous prisoners in federal prisons. INI intervention resulted in the early release of 802 indigenous prisoners in 1998, 1,197 in 1999, 596 in 2000, and the preliminary figure of 531 in 2001.

In September President Fox reported that 107 prisoners associated with the EZLN had been freed as a result of coordinated efforts of the Commission for Peace (COCOPA) and federal and local authorities. Under the National Indigenous Institute's (INI) Program for the Procurement of Justice for the Indigenous Peoples, the Federal government, through the PGR, SSP, CNDH and the Federal Institute of Public Defenders, 1,105 local and federal prisoners have been released in the past 18 months. The PGR, through its Special Prosecutor for the Attention of Indigenous Affairs, was working on 1,300 cases to request minimum sentences or transfers to social readaptation centers.

Federal prosecutors continued to adhere to the INI's recommendation that they drop charges against indigenous first-time offenders accused of drug cultivation, as drug traffickers often forced indigenous defendants, who were not aware of the legal significance of their actions, to grow the crops. The INI also supports programs to provide translators for indigenous defendants and to assist them in obtaining bail bonds.

Some human rights groups have claimed that activists arrested in connection with civil disobedience activities are in fact political detainees. The Government asserts that the system fairly prosecutes those charged in sometimes violent land invasions for common crimes, such as homicide and damage to property.

The law does not permit forced exile, and it is not practiced.

e. Denial of Fair Public Trial.—The judiciary is generally independent; however, on occasion, especially at the state level, it has been influenced by government authorities. Corruption, inefficiency, impunity, disregard of the law, and lack of training continue to be major problems. Judicial reforms have begun to address some of these problems, but full resolution of these problems requires significant additional time and effort. In 1999 the Congress and the states passed constitutional reforms designed to streamline the administration of justice and repeal archaic laws. Human rights groups criticized these reforms, claiming that they effectively allow prosecutors to disregard defendants' allegations of violation of due process during criminal proceedings.

In April U.N. Special Rapporteur on the Independence of Judges and Lawyers, Dato Param Cumaraswamy, issued a 52-page report regarding the evaluation mission that he conducted in May 2001. In his report, he questioned the independence and effectiveness of judicial power in the country. He expressed concern about the lack of knowledge that judges have regarding international law, particularly human rights, and their ignorance of indigenous uses and customs. He wrote that 50–70 percent of the judges in the country were corrupt. In reply, the Chief Justice of the Supreme Court questioned how the Special Rapporteur could reach his conclusions when he only visited two states and the Federal District.

During the year, the Federal Judicial Council continued to strengthen administrative control over the judiciary, investigated cases of corruption, and removed some corrupt judges. In 2000, the Institute for Professional Training of the Mexico City Attorney General's office initiated workshops and courses directed at officials who deal with prosecutions, including the prosecutor's office, official secretaries, judicial police, and police group leaders. The course material encompassed case management, scientific investigation techniques, legal framework, and evidence collection. These workshops and courses continued through year's end. However, at year's end, Human Rights Watch (HRW) reported that little had been done to remedy the systemic problems of the justice system, which allowed human rights abuses to go uninvestigated and unpunished. In December 2000, HRW asserted that deficiencies in the administration of justice still were a major concern, and repeated its 1999 statement that judicial reforms have done little to improve the problems that plague the justice system. The December 2000 report stated that prosecutors not only ignored abuses by police but also fabricated evidence. Judicial oversight was seriously inadequate as the courts accepted evidence obtained through human rights violations (*see* Section 1.c.), and judges cited legal precedents that weakened human rights protections.

By year's end, six judges or magistrates had been dismissed since January 2000, only one of these for corruption. In February 3 employees of the Federal District Superior Court were sentenced to 63 months in prison for aggravated extortion. In June Fernando Alonso Lopez Murillo, a federal judge, was suspended from his duties while being investigated for a series of irregular findings in high profile narcotics trafficking cases. In the most prominent case, Lopez Murillo reduced the sentence imposed on and dismissed some of the weapons charges against Hector Luis Palma, a major drug trafficking figure. Eventually Palma paid a fine rather than go to jail. Lopez Murillo also dismissed charges against another known trafficker, Oscar Malherbe.

The federal court system consists of a Supreme Court, 91 circuit courts of appeal, 49 courts of appeal, and 185 district courts.

Based on the Napoleonic Code, the trial system consists of a series of fact-gathering hearings at which the court receives documentary evidence or testimony. However, in July 2001 Amnesty International alleged that judges often are not present at hearings when defendants give testimony. Court officials may add notarized documents that are not authenticated into the case file. A judge in chambers reviews the case file and then issues a final, written ruling. The record of the proceeding is not available to the general public; only the parties have access to the official file, although by special motion the victim may have access to it.

The Constitution provides for the right of the accused to attend the hearings and challenge the evidence or testimony presented, and the Government generally respected these rights in practice. In general court hearings are open to the public, and it is common to find not only the accused, but also relatives of the accused and journalists in the courtroom. However, human rights groups complained that many hearings take place in busy judicial offices where the public generally must stand at a distance and often cannot hear the proceedings well. In some courtrooms glass or plastic panels have been placed between the tables where the proceedings take place and the public.

While there is a constitutional right to an attorney at all stages of criminal proceedings, in practice the authorities often did not ensure adequate representation for many poor defendants. Moreover, the public defender system is not adequate to meet the demand, although improvements in salaries and benefits have ameliorated this situation. Attorneys are not always available during the questioning of defendants; in some instances a defense attorney may attempt to represent several clients simultaneously by entering different rooms to certify formally that he was present, although he did not actually attend the full proceedings. Prosecutor salaries and benefits vary by region and agency. Federal prosecutors usually are paid better than state prosecutors.

In the case of indigenous defendants, many of whom do not speak Spanish, the situation is often worse. The law calls for translation services to be available at all stages of the criminal process; however, the courts do not routinely furnish translators for indigenous defendants at all stages of criminal proceedings, and thus defendants may be unaware of the status of their cases. Provision of translators to non-Spanish speaking defendants, including indigenous ones, is provided for but poorly implemented, resulting in prisoners being convicted without fully understanding the documents they have been required to sign. The CNDH, through the Fourth Inspector General's office, has a program to assist incarcerated indigenous defendants. The INI also has judicial assistance programs for indigenous defendants and provides counsel on their behalf. The INI also distributes legal, educational, and informational material in indigenous languages.

A particularly serious abuse of due process is the prosecution's ability to base its case on evidence gathered by means of torture. While torture itself is a criminal act, judges allow statements coerced through torture to be used as evidence against the accused (*see* Section 1.c.) and confessions are the primary evidence in many criminal convictions. A number of NGOs declared that judges give greater evidentiary value to the first declaration of a defendant, thus providing prosecutors an incentive to obtain an incriminating first confession and making it difficult for defendants to overturn such declarations.

The law does not require civil trials of soldiers involved in civil crimes, and the military continued to handle such cases. The Constitution provides for military jurisdiction for crimes or offenses involving any violation of military discipline. In cases in which a member of the military commits a crime and is arrested by civil authorities, the military has the right to request the immediate transfer of the case to military jurisdiction. In August the judicial branch reaffirmed that members of the military assigned to the PFP would be tried by military courts unless a civilian was involved. The ruling came as the result of a court case involving an active duty military member of the PFP. A military judge declared that he was not competent to hear the case because "military commissioned into the PFP are temporarily separated from the armed services and work for a civilian entity". A civilian judge who received the case declared that the perpetrator was military and was under the jurisdiction of the Secretary of Defense. The case was returned to the military court. In this instance the court ruled that because the PFP member was considered on active duty—obeying military orders and technically dependent on the Military Police—and therefore, administratively under the Secretary of Defense, and the victim was also active duty military, the military court had jurisdiction over the case.

On September 26, the PGJM indicted Generals Humberto Quiros Hermosillo and Arturo Acosta, on charges of aggravated homicide during the "Dirty War". The generals are accused of the death and disappearance of over 130 individuals in the state of Guerrero during the period 1971–78. Human rights organizations called into question the indictment and the fact that the generals would not be tried by civilian courts, but rather in military courts. The generals remained in custody as an investigation into charges of narcotics trafficking and assisting the Ciudad Juarez-based Amado Carrillo drug cartel continued.

In December 2001, Human Rights Watch issued a report that called on the Government to end military jurisdiction over all cases involving human rights violations. The report found that the military justice system lacks transparency because civilians are barred from monitoring the progress of investigations. In addition, investigations by the military are not accountable to civilian authorities.

On February 7, the Government released General Jose Francisco Gallardo Rodriguez. His sentence was reduced under the Code of Military Justice to 8 years, the minimum time to be served under his two nonconcurrent sentences of 14 years each, which Gallardo completed in November 2001. During the year, Gallardo continued to maintain his innocence and worked to clear his name.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the protection of privacy, family, home, and correspondence, and the law requires search warrants; however, in the past there were credible

reports that unlawful searches without warrants were common, and there were reports of such searches during the year (*see* Section 1.c.).

The law allows for electronic surveillance with a judicial order. The law prohibits electronic surveillance for electoral, civil, commercial, labor, or administrative purposes. However, there were reports of illegal surveillance during the year.

In January police arrested three persons when they were replacing a tape recorder in a telephone switch in Polanco, an affluent sector of the Federal District. The three persons initially claimed to be employees of the local telephone company and then claimed to be working for a private law firm. No reason was given for the placement of a recorder at the switch. Investigation into the case was ongoing at year's end. Two days earlier, two persons were seen placing a tape recorder at a TELMEX drop in Lomas de Chapultepec, an area of Mexico City where many affluent families live.

In February the Queretaro state human rights ombudsman Bernardo Romero accused the state's governor of intimidation through telephonic espionage. The governor denied the claims and demanded presentation of evidence. Romero said he also had received telephonic threats and sent a letter to the PRODH director requesting the intervention of the IAHCR.

In May microphones were found in the office of the Federal District Secretary of Finance. Federal District Head of government Andres Manuel Lopez Obrador demanded that the Federal government investigate. Wiretapping is a federal crime.

In July the Congress of the state of Mexico approved a law that would allow the Attorney General to solicit permission from a federal judge to wiretap and to have access to bank accounts as part of the investigative process against organized crime. The Federal District Attorney General supported the measure calling the current process bureaucratic and slow.

The Constitution states that all persons have the right to make free, responsible, and informed decisions on the number of children they choose to have. The 1984 General Health Law provides for criminal action against those who pressure a woman to undergo sterilization procedures or perform such procedures without a woman's consent. In September 2001, Rodrigo Aguilar Martinez, president of the Episcopal Commission for the Family of the Roman Catholic Church, told the press that public health institutions "frequently" performed sterilizations in marginalized communities, especially indigenous areas. Aguilar claimed that priests and religious workers working in these areas were familiar with the problem, but that it was difficult to prove these cases if individuals decided to present their complaint to judicial authorities. Aguilar's claims have not been corroborated by government sources, but various social welfare observers believed that forced sterilization occurred, although the incidence of these procedures is difficult to quantify. Women may not realize that procedures have been performed until after the fact, and many victims allegedly were reluctant to file complaints, although there are mechanisms for filing formal complaints with the National Medical Arbitration Commission and with national and state human rights commissions. In 2000 the CNDH office in Chiapas reported that in some indigenous communities women chose sterilization, but then due to fear of reprisal from their husbands reported that it was forced upon them or that they simply did not understand the nature of the procedure.

In compliance with a CNDH recommendation, in April state authorities provided compensation of $2,040 (20,000 pesos) each to 16 persons who were sterilized by state health officials in Guerrero in 1998.

In February the CNDH reported that in 2001 it had received seven complaints of forced sterilizations. On December 16, the CNDH reported that local community health practitioners have forced birth control methods (IUD for women, vasectomies for men) on indigenous patients without their informed consent. Many of these patients neither read nor write Spanish and sign medical consent documents that they do not understand by means of a fingerprint.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—There were numerous allegations of the use of excessive force and the violation of international humanitarian law. During much of the year, the Government maintained approximately 14,000 to 20,000 troops in selected areas of Chiapas, and a smaller number in Guerrero. Two relatively small rebel groups, the Popular Revolutionary Army (EPR) and the Revolutionary Army of the People's Insurgency (ERPI), continued to be problems in Guerrero. Incidents of conflict in Chiapas between security forces and EZLN sympathizers, and in Guerrero between the army and the EPR and the ERPI, led to accusations of the use of excessive force; however, the confused circumstances of these clashes made those allegations difficult to substantiate.

The peace process in Chiapas between the EZLN and the Government remained at a standstill. There has been no communication between the EZLN and the Gov-

ernment since April 2001. In July the PRODH said the impasse demonstrates that the Government lacks a cohesive strategy to attend to the conflict in Chiapas. In August the current president of the Peace Commission (COCOPA), Felipe de Jesus Vicencio Alvarez, said that the commission was working on an initiative to revive the peace process talks.

The Government maintained a military presence in parts of Chiapas. Some NGOs continued to call the military's presence threatening and intimidating to the indigenous population. In July and August, NGOs reported an increased military presence in Chiapas. Military authorities claimed that the perceived increase was due to troop rotations and more patrolling.

On May 14, the International Civil Commission for Observance of Human Rights (CCIODH) reported that military over-flights, along with a gradual increase in military patrols and checkpoints had caused special concern to the indigenous communities in Chiapas. The commission also said the military units harassed and intimidated the indigenous population by improvising checkpoints around towns.

In May the Fray Bartolome de las Casas Human Rights Center (Frayba) released a 245-page report that documented the displacement since 1995 of more than 12,000 persons from 2,400 families in Chiapas. The report accused the Government of being responsible for the displacements and not keeping its constitutional commitment to provide for the security of its citizens as well as its obligation to provide humanitarian assistance to internally displaced persons (IDPs) under international law, including human and humanitarian rights.

In July the PRODH stated that social justice in Chiapas depended in great measure on whether reconciliation process can reconstruct the social fabric that had been deteriorating for 8 years. It said that armed civilian groups constitute a latent threat because they continue to operate and provoke displacements of persons.

Human rights organizations have documented 45 human rights violations in Chiapas during the first 6 months of the year, 20 by the military, 11 by state public security agents, 8 by the state judicial police, 4 by federal judicial police, 1 by municipal police and 1 by the PFP. There were also 14 incursions by the military into communities, 9 patrols, 6 interrogations, 3 incidents of weapon firings, 2 eviction threats, two illegal detentions at checkpoints, 1 intrusive search, and 1 case of destruction of property. In addition, armed civilian groups committed three human rights violations.

Human rights NGOs complained about the intimidation of the indigenous population in Salto de Agua, Palenque, and Masoha Shucja in the northern part of Chiapas. They accused soldiers of entering communities and, in some cases, firing automatic weapons. In one case, in Shucja, a military officer identified as Captain Vincente Ambriz Ronces arrived 30 minutes after the alleged shooting occurred to investigate the incident. Military authorities described the incidents as soldiers' hunting for iguanas.

SEDENA, in coordination with the CNDH and state human rights commissions, provides its officers with a 4-month human rights course to teach officers to be human rights trainers. These officers (183 so far) are responsible for training at the different unit level within the Army and Air Force. By year's end, SEDENA had not created a military human rights ombudsman as suggested by UNHCHR Robinson in 1999.

There were credible reports of violent incidents and killings committed by armed civilian groups and local political factions in Chiapas. On March 22, a confrontation between supposed members of PRI and PRD led to the killing of one person and the wounding of three others.

On August 7, Jose Lopez Santiz, an EZLN sympathizer, was killed near the community of August 6, close to the city of Altamirano Chiapas. An 11-year-old witness identified the killer as Baltazar Alfonso, a businessman from Altamirano. Lopez had reportedly received death threats from local members of the PRI. Police opened an investigation into the killing. Chiapas state governor Pablo Salazar Mendiguchia and government secretary Emilio Zebadua Gonzalez traveled to Altamirano to try to defuse tensions caused by the fear that the Lopez' associates would seek revenge. Salazar promised to bring the killers to justice.

There were violent confrontations between EZLN sympathizers and armed civilian groups during the year. On August 26, two EZLN sympathizers were killed in Amaytik, Ocosingo municipality, in Chiapas. The state Attorney General attributed the killings to an "inter-family" problem.

Human rights NGOs have accused the Salazar administration of tolerating armed civilian groups. In September Salazar called for the PGR to determine if armed civilian groups were present in Chiapas. Salazar said in an interview that he could neither confirm nor deny the existence of armed civilian groups and believed that it was the responsibility of the PGR to investigate.

On September 13, Chiapas state police arrested 26 members of the "Peace and Justice" group. Human rights NGOs attribute more than 300 killings between 1995 and 1998 to the group. Although originally identified as part of the PRI organization, in 2000 the group supported Salazar because the PRI would not give it political positions at the state and local level. The police arrested the members in the group's stronghold of Tila, in northern Chiapas. Sabelino Torres Martinez, identified by the state Attorney General's office as one of the leaders of "Peace and Justice", faced charges of homicide, causing bodily harm, and illegal possession of firearms.

On August 26, at least two persons died and seven were injured in a clash between EZLN sympathizers and alleged armed civilian groups near Amaitic, a town in Ocosingo, Chiapas, according to the authorities of the autonomous municipality Ricardo Flores Magon and press reports. The Attorney General's office attributed the clash to a dispute between families. The report could not be confirmed.

In September Oaxaca Ministerial Police arrested Antonio Roque Cruz, former mayor of Santiago Amiltepec, and 11 other persons who were carrying large caliber weapons. Roque is suspected of being a member of a paramilitary group and responsible for the February 2 deaths of Maria Magdalena Torres Torres and Lorenzo Lopez Jimenez.

On May 30, Erika Zamora and Efren Cortes Chavez were freed from prison after a federal tribunal absolved them of the charge of inciting rebellion and conspiracy, in connection with the 1998 battle in El Charco, Guerrero, between the military and alleged elements of the ERPI guerrilla group that resulted in the killing of 12 persons. In 1998 they were found innocent of organized crime, terrorism, and storing weapons.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, harassment of journalists by various sources, especially by narcotics trafficking organizations in the northern part of country, continued during the year. The mass media are not subject to formal censorship by the Government; however, there were in the past reports of some self-censorship. In addition, violence and threats against journalists primarily by narcotics traffickers and on occasion by the authorities hindered press freedom. Nonetheless the freedom and independence of the media continued to expand. Many observers believe that drug trafficking organizations or corrupt security personnel in their pay carried out most of the attacks on the media.

The traditionally close relationship between the Government and the media that tilted coverage and editorial opinion in the Government's favor during 71 years of PRI rule changed significantly. The Government no longer controls the import and sales of newsprint, but does retain control over broadcasting licensing, which critics claim led some broadcast media to practice self-censorship. However, the two principal television networks, Televisa and TV Azteca, frequently criticized and challenged government actions at the federal, state, and municipal levels. On October 10, the Federal government, by presidential decree, reduced its right to use 12.5 percent of broadcast time to 18 minutes of television and 35 minutes of radio broadcast time per day. Official advertising in the media continued, but state and municipal governments were more likely to purchase news coverage, via news articles known as "gacetillas," than the Federal government. In the past, there were allegations of cash and noncash payments to journalists; however, there were no major allegations during the year.

On June 11, President Fox signed the Law for Transparency and Access to Information, enabling the public to request and receive information from all state entities, as well as from public and private agencies that manage public funds. The law had not been fully implemented throughout the country by year's end. The opening of previously sealed files caused a reexamination of many painful episodes in the country's history, such as the 1968 Tlatelolco massacre and the 1971 "Jueves de Corpus" massacre. Past presidents such as Luis Echeverria and Jose Lopez Portillo have been called to testify about their involvement in these massacres (see section 1.b.).

The numerous attacks on journalists constituted the most serious problem for press freedom. The Committee for the Protection of Journalists and Media Communications reported that in 1999 there was a decline in the number of acts of intimidation, including physical attacks, threats, and detentions, against journalists; from 202 in 1998 to 135 in 1999. A 1999 report issued by 4 NGOs recorded 240 attacks of various types against journalists during 1998, compared with 187 during 1997. These numbers included all aggressive acts against the media as reported in the media. According to the report, government institutions (including federal, state,

and local police) or officials were responsible for 41 percent of the incidents. However, in August, Juan Francisco Ealy Ortiz, the country's representative on the IAPA's Commission on Freedom of the Press and Information, reported that acts of intimidation against journalists by narcotics traffickers had replaced official harassment by earlier administrations as the most serious threats that journalists face in the country. Francisco Barron, Director of Communication at the National Center of Social Communication, an NGO, added that the Fox Administration was more willing to investigate corrupt government officials alleged to be working in collusion with narcotics traffickers.

Outright attacks and intimidation of journalists are underreported, and there are no comprehensive nationwide studies of these incidents. In addition, the Government has not investigated sufficiently the cases that were reported, such as those included in the "Damages Inventory," a summary published by the Protection Network of Journalism and Media (PNJM). The PNJM reported that there were 101 incidents of press intimidation and harassment in 2000, down from 135 cases reported in 1999. Abuses against the press included physical assaults, legal complaints against journalists, and threats. Sixty-one percent of these complaints were directed against print journalists. The PNJM observed that direct aggression against the media and journalists was declining; however, pressure groups were increasingly using broadly interpreted or discretional legal maneuvers to work against press freedom.

Forty-eight percent of all acts of harassment against journalists occurred in the Federal District. States reporting the next largest amounts of harassment were Guerrero, with 8 percent of all cases, and Chihuahua, with 5 percent of all cases. Harassment was also reported in the states of San Luis Potosi, Baja California, Campeche, Mexico, Michoacan, Nuevo Leon, and Veracruz.

On May 31, Gustavo Ramos, president of the Fresnillo Autonomous University (UAF) board of directors, and Rector Jesus Bonilla Elizondo assaulted Humberto Casarez from the Imagen newspaper published in Fresnillo, Zacatecas state, after it published information on alleged acts of corruption by the UAF directors. On June 24, officers from the Pachuca, Hidalgo state municipal police assaulted Inving Leftor Magain, a camera operator for Telemundo, while he and 20 other journalists covered a demonstration. Lefor subsequently filed a lawsuit against municipal police.

The International Press Institute reported that three journalists were murdered during the year.

On January 18, two gunmen shot and killed Felix Alonso Fernandez Garcia, editor of the weekly magazine Nueva Opcion, in Miguel Aleman, Tamaulipas state. Shortly before his killing, Fernandez had received death threats for his reporting about alleged links between the city's former mayor and drug traffickers.

On February 1, an unidentified assailant killed Julio Samuel Morales Ferron, columnist for the daily El Sol de Medio Día, in Mexico City.

On October 11, an explosion in his apartment killed Jose Miranda Virgen, journalist and vice president of the daily El Sur de Veracruz. The police stated that a gas leak had caused the explosion; however, local media noted that the apartment's living room had received more damage than the kitchen when the leak supposedly occurred. Pablo Robles Barajas, the newspaper's director general noted that Miranda had just written a series of articles linking state police officers to drug traffickers. The Association of Veracruz Journalists (APEV) asked Veracruz Governor Miguel Aleman to order the state attorney general's office (PJEV) to investigate the case. Aleman issued the order, and the PJEV ruled that the explosion was accidental. The APEV disagreed with the PJEV's conclusion.

The International Press Institute reported that in May Eduardo López Betancourt, a contributor to the newspapers Excélsior and México Hoy and the magazine La Crisis, was forced to leave the country temporarily after unknown individuals threatened to kill his son.

Tamaulipas authorities continue to investigate whether the March 2001 murder of Saul Martínez of the Matamoros newspaper El Imparcial, was related to articles he wrote on illegal migrant smuggling and government corruption.

There were no new developments in the investigation into the February 2001 killing of Jose Luis Ortega Mata, editor of the weekly Semanario de Ojinaga based in Ojinaga, Chihuahua.

The Interamerican Press Society and the Committee for the Protection of Journalists (CPJ) reported that Jose Ramírez Puente, the host of a popular radio news program in Ciudad Juarez who was killed in 2000, was an undercover informant for the Investigation and National Security Center (CISEN). Investigations are underway to determine if his murder was linked to his work as a journalist or as an informant for CISEN. Following his murder, state judicial police found eight bags of marijuana weighing about two pounds each in the trunk of the car. Puente's rel-

atives claimed the marijuana was planted, and the case was transferred to federal jurisdiction. Since 2001 several members of the federal police force in Chihuahua have been dismissed for corruption.

On May 30, a three-judge appeals panel sentenced two men to a 13-year prison term for the 1998 murder of San Antonio Express-News reporter Philip True. The unanimous ruling overturned an August 2001 verdict acquitting the men.

There are approximately 300 newspapers operating (including local). Of these, there are approximately 10 main national newspapers. None are operated by the Government; however, the Government does operate several radio stations, two national television channels, and some local stations. Public universities run most of the public media.

Television news independence has been enhanced by greater political pluralism, generational change in media leadership, and growing competition for advertisers and viewers which continued to separate government and media interests. Moreover, as much of the national media has developed higher journalistic standards and independence in recent years, government influence has declined. The media showed a high degree of editorial independence, particularly in the capital and other major urban centers. Direct criticism of the Government, especially in radio and the print media, was common.

The CPJ believes that the country's criminal defamation law violates the basic freedom of expression and that no journalist should be jailed for his work. On March 11, the authorities arrested Maria Esther Martinez, of the daily La Union de Morelos for defamation after she had criticized the state Attorney General's office and the Ministerial Police. On April 1, police arrested Raquel Urban Hernandez of the weekly Reporteros Informando published in Ecatepec, Mexico state for defamation over a November 2001 article that criticized PAN legislator Alejandro Gamino Palacios for his alleged implication in the rape of a minor. She was released on bail. On May 8, Alejandro Junco de la Vega, president and publisher of the Mexico City daily Reforma was charged with defamation over a September 2001 article that charged that the Grand Commission of the Mexico state Chamber of Deputies had issued irregular payments of $101,789 (969,000 pesos) to seven deputies. In April 2001, former Mexico City mayor Rosario Robles Berlanga brought changes of defamation against Junco and Carolina Pavon, a Reforma reporter, over an April 2001 story in which Pavon reported official allegations that almost 10 percent of the mayoral administration's 2000 budget had disappeared. In May the Writers in Prison Committee, a NGO, noted that the case was still being investigated by the Mexico City Attorney General's Office. Junco continues as Reforma's owner and Pavon continues to write for the city section of Reforma.

On August 19, the PGJE arrested journalist Isabel Arvide at the airport in Chihuahua City and charged her with criminal defamation, a charge that carries a possible sentence of 6 months to 2 years in prison. In June 2001, Arvide published an article on her web site and in the Mexico City daily Milenio that accused Osvaldo Rodriguez Borunda, owner of the Chihuahua newspaper El Diario, of involvement in drug trafficking and money laundering. Arvide was released on August 20 after posting a bond of $10,000 (100,000 pesos). Arvide alleged that PRI national president Roberto Madrazo lured her to Chihuahua under false pretenses as part of a press contingency, specifically to be arrested, since the charges are state charges not enforceable in another state.

On October 17, Judge Catalina Reuiz Pacheco agreed to consider an application for the arrest of Oscar Cantu Murguia, editor of the daily Norte de Ciudad Juarez, and seven of his journalists; Armando Delgado, Manuel Aguirre, Gaudalupe Salcido, Rosa Isela Perez, Francisco Lujan, Antonio Flores, and Carlos Huertas. In January former Ciudad Juarez mayor Manuel Quevedo Reyes filed a complaint after the newspaper published a series of articles that alleged that the state government had paid an inflated price for land that Quevedo sold it. Arrest warrants were issued for the eight journalists. In November a federal judge granted one of the journalists, Armando Delgado, a legal injunction (amparo) to protect him from arrest and to determine if the state attorney general's office violated his rights by not permitting him to defend himself against the charges. In October the Inter-American Press Association accused Chihuahua Governor Patricio Martinez of using the state justice system to silence journalists. In October, the CNDH sent an official to Ciudad Juarez to investigate the case.

In June and December, the NGO Reporters sans frontieres reported that several journalists had been summoned to appear in court to reveal their sources. On June 12, Maribel Gutierrez, of the daily El Sure published in Acapulco, was questioned regarding her sources for articles that she wrote on the murder of Digna Ochoa (*see* Sections 1.a. and 4.) On November 18, journalists Enrique Mendez, Gustavo Castillo, Ruben Villalpando, Andrea Becerril, Ciro Perez, and Roberto Garduno, of

the daily La Jornada, were summoned regarding their sources for an article concerning a corruption scandal in the public petroleum company Pemex. On December 3, Daniel Moreno, news director for the daily El Universal, was questioned regarding his sources for an article published on June 16 regarding the same scandal. On November 17, CNDH President Jose Luis Soberanes affirmed that it is the right and obligation of journalists to refuse to reveal their sources. The CNDH emphasized that the continual summons of journalists intimidated and inhibited those who provide information. On December 4, Attorney General Rafael Macedo said that the purpose of summoning journalists to reveal their sources of information was to prevent public officials from "leaking" information. After public outcry over the PGR's actions, the PGR stopped summoning journalists to testify about their sources; however, this retreat did not rule out the possibility that the PGR would utilize similar techniques in the future.

On January 20, Ruben Rosas, Zamira Izaguirre, Jose Antonio Tirado and Jose Loya, anchors of a Ciudad Juarez radio station, protested publicly the cancellation of their radio show, allegedly due to pressure by the governor of Chihuahua state. According to the journalists' statements, the governor pressured the radio station to cancel their show after they harshly criticized the inefficiency of the authorities in solving the women's homicide cases in Ciudad Juarez (*see* Section 1.a. and 5). The Chihuahua state government denied all the accusations.

There continued to be no information on the whereabouts of Valentín Davila Martinez, a journalist with Radio Canon, who was reported as missing in Ciudad Juarez in August 2001.

The PGR closed its investigation into the 2000 death of Jose Ramirez Puente, the host of a popular radio news program in Ciudad Juarez as unsolved; however, an investigation by the state PGJ remained open at year's end but without any leads.

The Government does not restrict Internet access, which is widely available across the nation, especially in major cities. Some segments of the population, predominantly the poor and the elderly, cannot afford to use the Internet or do not possess sufficient computer skills. The Government is attempting to broaden Internet usage in rural areas via the "e-Mexico program."

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly, and the Government generally respected this right in practice. The only requirement for holding demonstrations is that groups that wish to meet in public areas must inform local police authorities in advance. Organized, peaceful demonstrations occurred frequently throughout the country.

There were many demonstrations during the year. From March 8–13 a group of women marched from Chihuahua City to Ciudad Juarez to protest the continued murders of women in Ciudad Juarez and the lack of interest displayed by authorities. Representatives of NGOs and relatives of murdered women participated in the march. On March 13, when the protesters arrived at the kilometer 38 checkpoint in Ciudad Juarez, a group of approximately 50 persons associated with the PRI party attempted unsuccessfully to stop the marchers from entering the city. However, several marchers were injured.

Until August there were routine demonstrations staged by small land owners from San Salvador Atenco, in Mexico state to protest an October 2001 expropriation decree signed by President Fox to use land in Atenco to build a new airport for Mexico City. Over the course of 10 months, the peasant land owners staged demonstrations to protest the planned expropriation of their properties at the low price of $0.70 (7 pesos) per square meter. On July 11, the landowners seized local government officials and demanded the release of 13 protesters arrested during the riot, including 2 protest leaders. Both the hostages and the detained protestors were eventually released. One arrested protester, who suffered from various medical ailments that were aggravated by injuries sustained during his arrest, died after being transferred from prison to a hospital. The peasants claimed that he had died from lack of prompt medical attention and demanded an investigation into his death. On August 1, the Secretary of Transportation announced that the Government would not proceed with plans to expropriate land to build the airport.

The Constitution provides for freedom of association and the Government generally respected this right in practice. Political parties, opposition groups, and independent associations functioned freely without government interference or restriction. The Federal Electoral Code recognizes national political parties as well as political associations. Political associations can participate in elections through an agreement with a political party; however, they cannot use their names or symbols during the election campaigns. Political parties do not have legal status until they receive their official designation from the Federal Electoral Institute (IFE). The IFE has recognized 10 political parties and 36 political groups. Parties must receive at

least 2 percent of the vote in national elections to maintain their registration. In July the IFE announced that political groups had presented 11 requests for formal registration; however, only 2, Mexico Possible and Liberal Progressive Party, had met the requirements for recognition.

Citizens are free to associate and may form private or charitable associations. However, in 1998 the Mexico City legislature passed a law that gave the city government more influence over private charities. According to the Secretariat of government's Directorate of Liaison with Social and Civil Organizations, there are 5,339 NGOs active in the country, which play an important and vocal role in the promotion of civil society.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and Congress may not enact laws that establish or prohibit any religion. The Government generally respected this right in practice; however, there were some restrictions at the local level. State and municipal governments generally protected this right; however, some village and tribal officials infringed on religious freedom, especially in the South. A generally amicable relationship among the various religions in society contributed to religious freedom; however, in some parts of southern Mexico, political, cultural, and religious tensions continued to limit the free practice of religion within some communities. Most such incidents occurred in the state of Chiapas.

Religious associations must register with the Under Secretariat of Religious Affairs of the Federal Secretariat of government (SSAR) to operate legally. Although the Government rejects applications because of incomplete documentation, the registration process is routine. An estimated 5,871 religious associations are registered.

To be registered as a religious association, a group must articulate its fundamental doctrines and religious beliefs, must not be organized primarily to make money, and must not promote acts physically harmful or dangerous to its members. Religious groups must be registered to apply for official building permits, to receive tax exemptions, and to hold religious meetings outside of their places of worship.

The SSAR promotes religious tolerance and investigates cases of religious intolerance. All religious associations have equal access to the SSAR for registering complaints.

The Constitution provides that education should not privilege one religion over another. Religious instruction is prohibited in public schools; however, religious associations are free to maintain their own private schools, which receive no public funds.

The Government requires religious groups to apply for a permit to construct new buildings or to convert existing buildings into new churches.

The Constitution bars members of the clergy from holding public office, advocating partisan political views, supporting political candidates, or opposing the laws or institutions of the State.

To visit the country for religious purposes, foreign religious workers must secure government permission. The Federal government limits the number of visas each religious group is allowed. However, the Government has granted 33,930 such visas since 1994.

There were incidents of violence between religious groups, principally in Chiapas during the year. The situation in Chiapas is a result of a complex mix of economic, ethnic, political, and religious tensions. There is a history of religious intolerance in, and expulsions from, certain indigenous communities whose residents follow syncretistic (Catholic/Mayan) religious practices and view other religious practices as a threat to indigenous culture. In parts of Chiapas, local leaders of indigenous communities sometimes regard evangelical groups as unwelcome outside influences and potential economic and political threats. As a result, these leaders sometimes acquiesced in, or actually ordered, the harassment or expulsion of individuals belonging primarily, but not exclusively, to Protestant evangelical groups. In many cases, these expulsions involved the burning of homes and crops, closing down of churches, beatings, and, occasionally, killings.

The most common incidents of intolerance arose in connection with traditional community celebrations. Protestant evangelicals often resist making financial donations demanded by community norms that will go partly to local celebrations of Catholic religious holidays and resist participating in festivals involving alcohol. The abuse related to these and other incidents apparently did not occur solely and exclusively on the basis of religion. While religious differences were often a prominent feature of such incidents, ethnic differences, land disputes, and struggles over local political and economic power were most often the basic cause of the problems.

On March 4, traditionalists burned the houses of 4 evangelical families in Mitzinton, where some 30 persons lived. One of the houses also reportedly had 17 bullet marks in it. Two hundred Protestant evangelicals left the community in

March, in response to threats of expulsion, but returned on April 3 despite fear of further threats. Protestant community members have been dissatisfied with the Government response to the incidents. The State Attorney General's office has initiated an investigation.

On May 1, approximately 20 Protestant evangelical Tzotzil community members, along with 2 National Action Party (PAN) council members, were harassed and detained by local leaders on charges of "religious and political intolerance." On May 6, in the community of Botatulan, six members of Jehovah's Witnesses were reputedly stopped by local leaders who demanded $500 (5,000 pesos) in return for releasing them. These detentions have not been verified.

Tension between Catholic/Mayan syncretists and evangelical groups continues to be a problem in the municipality of San Juan Chamula. Approximately 130 children of evangelicals have been denied access to the local public schools in 6 communities every year since 1994. On August 19, a confrontation between traditionalist Catholics and Protestant evangelicals in the community of Tzaljaltetic, in the municipality of San Juan Chamula, left five persons wounded. The incident occurred when Catholics did not allow Protestant parents to register their children at the local school. The Chiapas state Secretariat of government (SEGOB) initiated a dialogue with both parties to reach an agreement and avoid future confrontations.

In addition, local traditionalist/syncretist leaders in San Juan Chamula suspended services by Roman Catholic clergy in the municipality and later expelled two priests and a deacon from the area. On May 8, police arrested a Roman Catholic teacher after discovering a cache of arms and explosives in his cottage in San Juan Chamula. A Roman Catholic vicar in the community charged that the weapons were planted by Protestant leaders.

In February traditionalist Catholic community members in the community of San Juan Metaltepec Mixes, Oaxaca expelled a group of 20 Protestant evangelical families for their religious beliefs. This report could not be verified.

On November 5, a group of indigenous families who were Jehovah's Witnesses abandoned their homes in the the communities of Tzajaltetic and Botatulan, in the municipality of San Juan Chamula in Chiapas. The group fled for fear of attacks against them by local bands of Catholics. They have been taken in by family members living in San Cristobal de las Casas, Chiapas.

On November 14, seven indigenous persons were wounded in a clash in the community of Tzetelton, in the municipality of San Juan Chamula in Chiapas. According to press reports, a group of indigenous Protestants attacked a group of Roman Catholics when the Catholics were meeting to plan for the December 12 Feast of the Virgin of Guadalupe.

On November 27, according to press reports four persons were hurt in a confrontation between two groups belonging to the same religion in the community San Pablo Atlazalpa, in Chalco, in Mexico state. The incident occured when a group denominated "liberals" entered the local church of St. Peter and Paul to protest the naming of a new parish priest. The liberals clashed with another group of traditionlists within the church who support the newly named priest.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

Corrupt police sometimes violated the rights of illegal immigrants. Illegal immigrants rarely file charges in cases of crimes committed against them, because the authorities generally deport immediately such persons who come to their attention; many pending cases brought by illegal immigrants are subject to dismissal because the complainant is no longer present in the country.

From February 25 to March 18, the UN Special Rapporteur on Human Rights of Migrants, Gabriela Rodriguez Pizarro, visited the country to highlight the dangers of commercial sexual exploitation and trafficking in women and unaccompanied minors, many originating from Honduras, Guatemala, and El Salvador.

On July 25–31, Juan Mendez, IACHR President and Special Rapporteur for Migrant Workers and Their Families, visited the country and expressed concern about the security of migrants transiting the country. He also noted problems with overcrowding in migrant detention centers.

There also were credible reports that police, immigration, and customs officials were involved in the trafficking of illegal migrants.

In April local police arrested 4 AFI agents in Chiapas for transporting 26 undocumented Central American migrants. Two other likely agents escaped in an unmarked vehicle with no license plates.

In August 2001, the CNDH opened its first office along the border with Guatemala in Tapachula, Chiapas to receive and attend to complaints of human rights violations from migrants, both documented and undocumented. Although the CNDH office received various complaints by migrants including assault, rape, and extortion, the cases are rarely pursued because the migrant departs the area and does not stay to provide follow-up information. According to the CNDH, the principal points of entry for migrants are Comalapa, Suchiate, and Tuxtla Chico.

Migrants who transit a halfway house in southern Chiapas have complained to the director about the double dangers of extortion by the authorities and robbery and killings by an organized gang called "Maras Salvatruchas" who prey on migrants coming from the south.

Reports of injury to and harassment of undocumented migrants continued around the country during the year (*see* Section 1.a.).

On August 19–28, the U.N. Special Representative for Internally Displaced Persons, Francis Mading Deng, visited the country to review the situation of internally displaced person. According to different NGOs who met with Deng, there are over 640 families that had been displaced by various conflicts. The 1998 killings in El Charco displaced an estimated 400 families according to the head of the Independent Organization of Mixtec and Tlapanec People. During the year, FRAYBA published a study that found that 2,453 families totaling 12,080 persons were internally displaced from 1994 to 2000. Sporadic violence attributed variously to religious, political, land or economic disputes caused persons to flee their homes for fear for their lives, returning only when they felt that the potential threat had abated.

The law provides for the protection of foreigners who might face political persecution if they were to return to their countries of origin. The law includes provisions for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The issue of providing first asylum did not arise during the year. The Government accepts the principle of first asylum and reviews each claim on a case-by-case basis with the assistance of the office of the UNHCR. Since the start of the year, the UNHCR office in Mexico City no longer processes refugee documentation for cases in the country. Government authorities now process all refugee documentation.

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

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

The Constitution provides citizens with the right to change their government peacefully through periodic elections. As a result of electoral reforms approved and implemented in recent years, the political process and especially the electoral process have become more transparent. While elections are open and generally fair, some abuses continued to occur. Prior to the 2000 presidential election, the PRI had dominated politics, controlled the Federal government, and won every presidential election since its founding in 1929. However, in 2000, voters elected President Vicente Fox, a member of the National Action Party and candidate of the Alliance for Change Coalition, with 43.3 percent of the vote. Observers, both international and domestic, judged the elections, which ended the PRI's 71-year hold on the presidency, to be generally free and fair.

The legislature amended the Constitution in 2000 to allow eligible citizens who are abroad to vote in presidential elections; however, the Senate failed to act on the necessary implementing legislation that would have made overseas voting possible in the 2000 election due to differences over the costs and requirements for voting. The national debate regarding overseas voting for the 2006 presidential elections continued during the year.

Presidents are elected every 6 years and cannot be reelected.

The IFE, operating with full autonomy, arranged and supervised the 2000 federal elections. It standardized the voter registration list and recruited and trained thousands of civil society volunteers to serve as independent electoral workers at the voting booths. The IFE also provided support to state electoral institutes in running state and local elections and was instrumental in overhauling electoral district boundaries to reflect demographic shifts. In October the IFE announced new security features in voting credentials, including digitized photography and personalized microtext.

In the Chamber of Deputies, the PRI holds 208 seats; the PAN 207; the PRD 54; the Green Ecologist Party (PVEM) 16; the Labor Party (PT) 8; Democracy Convergence (CD) 1; the Nationalist Society Party (PSN) 3; and the Social Alliance Party (PAS) 2. There is one independent in the Chamber. The PRI holds 60 seats in the

Senate; the PAN 46; the PRD 16; the PVEM 5; and the CD 1. Legislators can and do on occasion change their party affiliation.

On the state level, the PRI holds governorships in 17 states, the PAN 8, the PRD 2, PRD-PT, PRD-PVEM, and PRD-PAN coalitions 4. On the municipal level, multiparty pluralism is well established. The PRD governs the Federal District, and the PAN governs 13 of the 20 largest cities.

In February and March, all three major political parties held elections for top party posts. Only the party leadership voted in the PAN election. The PRI and PRD held popular elections to elect new party leaders. The PRI elections were open to anyone, regardless of political affiliation. The PRD's election was open only to registered PRD party members. Both elections were accompanied by accusations of fraud. The PRI candidate won the election by less than one percent of the vote in a contest marked by allegations of fraud on both sides. For example, in 1 town in Oaxaca with 1,200 registered voters, 1,100 persons voted, with 1,099 votes going to 1 candidate. The PRD vote was marked more by disorganization than voter fraud. On election day, many polling places were not installed and others had not received ballots or voting boxes. Elections in one state, Hidalgo, were voided due to irregularities detected by election observers in the state level organization.

There have been controversies over state and municipal elections. In July 2001, the PRI appealed the results of the July 1 Ciudad Juarez mayoral elections, called in favor of the PAN candidate, on the basis of alleged irregularities at polling places and the improper conduct by the city's PAN administration in favor of the PAN candidate. In August 2001, the State Electoral Institute ruled in favor of the PRI. The PAN appealed the state level decision to the TEPJF, the ultimate court of appeal on election matters. The annulment of that election was upheld and a new mayoral election scheduled for May 12. The same two candidates, backed by PRI (this time with a coalition of smaller parties) and PAN, faced off with the identical result: the PAN candidate won by less than 4 percent of the vote. PRI and its coalition again appealed that result. The State Electoral Tribunal again annulled the election, and PAN appealed that result to the federal level. On July 11, members of the PAN and the PRI fought each other with sticks, knives, and chairs. On July 24, the Federal Electoral Tribunal upheld the election result and invalidated the annulment of the election at the state level. On July 27, the new Mayor, Jesus Alfredo Delgado, was sworn into office to serve the remainder of his original 3-year term.

On February 17, the State of Quitana Roo held municipal elections. The PRI won every election except in the city of Cancun where the PVEM was victorious. However, on March 13, the state electoral tribunal annulled the municipal election in Cancun, based on the claim that it had found alleged irregularities in approximately 21 percent of the polling place in the city. On April 8, the Federal Electoral Tribunal ratified unanimously PVEM candidate Garcia Zalvidea's election as Cancun mayor. The state PRI party and PRI-controlled state government accepted the decision.

There are no legal barriers to participation in politics by women. There are 23 women in the 128-seat Senate and 87 women in the 500-seat lower house. There are three women in the Cabinet and one female justice on the Supreme Court. No women serve as governors, although there have been female governors in the past. Nine women serve in the Mexico City cabinet, and 13 of the city's 23 key officials are women.

Many state electoral codes provide that no more than 70 to 80 percent of candidates can be of the same gender. All political parties are attempting to increase the number of women who run for elected office through formal and informal means. Some utilized quotas requiring that a certain percentage of candidates on a party list are female. However, in practice, women more often were put forward as substitute candidates who have little chance of serving unless the titular candidate leaves office. The PRD's membership is 48 percent female; its leadership is 27 percent female, 26 percent of its representatives and 12 percent of its senators are female, and it has a female party president. The PAN has utilized more informal methods to increase female registration. An estimated 24 percent of its leadership is female, and close to 17 percent of representatives and 13 percent of its senators are female. PRI party rules mandate that 30 percent of its federal candidates be women. An estimated 24 percent of the party leadership, including its Secretary General, 16 percent of its representatives, and 18 percent of its senators are female.

There are no legal barriers to participation in politics by members of minorities or persons of indigenous descent; however, there were no statistics available regarding minority participation in the Government.

Constitutional changes in 1996 expanded the rights of indigenous people to elect representatives to local office according to "usages and customs," rather than federal and state electoral law. Only the states of Oaxaca and Quintana Roo have enacted implementing legislation to effect such local elections. Traditional customs vary

from village to village. In some villages, women do not have the right to vote or to hold office. In others they can vote but not hold office.

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

A wide variety of human rights groups operate largely without government restriction, investigating allegations of human rights abuses and publishing their findings on human rights cases. According to the Secretariat of government's Directorate of Liaison with Social and Civil Organizations, there are 979 human rights NGOs in the country. Government officials have met with NGOs in an effort to become more cooperative and responsive to NGO views.

In 2000, President Fox eased entry requirements for those interested in observing human rights conditions. They must agree to observe the country's laws.

Reports of harassment, attacks, and detentions against human rights workers have diminished; however, they continued to occur. PRODH documented more than 12 instances of aggression against human rights defenders.

On January 14, unknown gunman fired on the home of the Chiapas CEDH president Pedro Lopez Hernandez, in Tuxtla Gutierrez. There were accusations between the ombudsman and the state governor that the state government was behind the shooting. In May police arrested Nicolas Acero Nandayapa and Venturiano Ruiz Macias for the shooting. On October 12, Lopez Hernandez presented a complaint before the PGR of harassment by state authorities. Press reports said Lopez Hernandez was preparing to take his case before the Inter-American Human Rights Commission. Investigation into the shooting continued at year's end.

On March 18, in Mexico City, human rights lawyer Barbara Zamora, a colleague of slain human rights lawyer Digna Ochoa and legal representative for the Ochoa family, received a threat via e-mail.

On April 11, Maria Guadalupe Morfin Otero, ex-president of the Jalisco state human rights commission received at her home in Guadalajara a telephonic threat of death if she continued to pursue a court injunction (amparo) against the state Congress. Morfin alleged that the Congress impeded her from a second term in office without foundation and without an objective evaluation of her work. In December PRODH announced that it would present the case before the Inter-American Human Rights Commission.

On July 16, Arturo Requesens, a member of the Christian Action for the Abolishment of Torture, received death threats for his investigations into the disappearance of Jesus Angel Gutierrez Oliveras.

There were several instances of harassment in Ciudad Juarez, Chihuahua during the year. At the close of 2001, women from NGOs complained to the CNDH that they received threats via fax and telephone because of their participation in the investigation of the murdered women in Ciudad Juarez. In January the spokesperson of the Juarez Coordinator Pro Women Victoria Caraveo Vallina, who had been receiving threatening calls, and her mother were assaulted in separate incidents near their home. On March 27, unknown assailants killed the 73-year-old step-mother of human rights activist Astrid Gonzalez, one of the founders of the group Women for Juarez and the director of a program called "Stop Crime" that offers rewards for the capture of killers of women on the northern border.

In its 2002 report, Amnesty International noted that human rights defenders and journalists continued to be harassed and were the victims of death threats.

In July Renato Sales, the Mexico City Attorney General's office Special Prosecutor investigating the 2001 death of Digna Ochoa y Placido, resigned from the case after information leaked to the press that the PGJDF was seriously considering the hypothesis that Ochoa's death was a suicide. PGJDF Attorney General Bernardo Batiz appointed a three-person panel to select A replacement for Sales. The new Special Prosecutor, Margarita Guerra, a criminal court magistrate in the PGJDF, took over the Ochoa investigation on August 1.

There were no developments in the investigation of death threats against Arturo Solis, president of the Center of Border Studies and the Promotion of Human Rights. He received these threats after he publicly accused federal immigration agents in Tamaulipas of involvement in illegal immigrant trafficking in 2000 (*see* Section 2.d.).

There were no developments in the investigations into robberies of the home and office of Angelica Ayala Ortiz, vice president of LIMEDDH. Investigations into both cases were ongoing at year's end.

The PRODH has criticized the Government's actions to protect human rights workers as inadequate. The PRODH advocates adoption of measures to promote awareness of the importance of human rights work and to investigate cases of threats, intimidation, and attacks against human rights workers. In November and

December 2001, SEGOB developed a plan in collaboration with NGOs to provide enhanced protective measures for human rights activists and to determine the circumstances and conditions under which this assistance may be provided.

The CNDH has improved its credibility steadily since its establishment by the Government in 1990. The Senate, instead of the President, now appoints the commission's president, although some NGOs feared that this would make the CNDH more susceptible to political pressure. In 1999 the Senate named legal scholar Jose Luis Soberanes to a 5-year term as CNDH president, replacing the sitting president prior to the expiration of her term. Although most NGOs have a favorable opinion of the CNDH, many are critical of its method of presenting information, especially the reporting of compliance with recommendations, which is mandated by statute. However, in a public opinion survey in May 2001, a majority of respondents indicated that they felt the CNDH was an institution that offered services of protection, defense, and consultation to the population.

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

The Constitution provides that men and women are equal before the law, and that education should avoid "privileges of race, religion, groups, sexes, or individual"; however, these provisions were not enforced effectively, although the Government continued to make progress in efforts to do so.

In June the 24th Gay-Lesbian Pride parade occurred in Mexico City with the participation of an estimated 35,000 persons and 70 organizations without incident.

In the most recent National Survey on Political Culture and Citizen Practices, the National Center for the Prevention and Control of AIDS (CENSIDA) announced that the rates of rejection of homosexuals by both those who considered themselves liberals and those who classified themselves as conservatives were almost the same: 37 and 39 percent respectively. The same survey found that 66 percent of respondents would not share a home with a homosexual.

Individuals suffering from HIV/AIDS are victims of prejudice.

In the same CENSIDA survey, 57 percent of the persons surveyed said they would not live with someone infected with HIV.

Women.—The most pervasive violations of women's rights involve domestic and sexual violence. Both are widespread and vastly underreported. A 1997 law criminalized intrafamily violence, established protective measures for victims, and provided public education on the domestic violence problem. The law provides for fines equal to 30 to 180 days' pay and the detention of violators for up to 36 hours. The Center for Attention to Intrafamily Violence reported in 2000 that it received between 50 to 60 complaints nationwide every day. In January the "Casa de la Mujer" in Merida, Yucatan reported receiving 160 cases daily of domestic violence. According to a 1999 survey by the National Institute of Statistics, Geography, and Computation, some form of domestic abuse occurs in one of every three homes. The victim seeks help in only one of every six homes suffering from domestic abuse. Women are reluctant to report abuse or file charges, and the police are reluctant to intervene in what society considers a private matter. Many police also are inexperienced in these areas and unfamiliar with appropriate investigative techniques, although some have received training on these problems.

According to the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), over 1 million women each year seek emergency medical treatment for injuries caused by domestic violence. Groups such as the NGO Center for Research and Care of Women are attempting to counter the widespread view of domestic violence as private, normal behavior and to deter future violence. Within the CNDH's First Inspector General's office, the General Coordinating Office devotes all of its time to issues relating to women, children, and the family.

In September Nuevo Laredo became the first municipality in Tamaulipas state to enforce a 1999 domestic violence law. The law not only provides protection to the victim from physical, psycho-emotional, and sexual aggression from the immediate family but also any extended family. The law provides, at no cost to the victim, refuge, medical attention, legal counsel, and the assistance of social workers.

A 1997 law expanded the definition of rape to include spousal rape, applying to both married or common-law couples. Under certain circumstances limited to the statutory rape of a minor between the ages of 12 and 18, the Criminal Code allows a judge to dismiss charges if the persons involved voluntarily marry. In practice this provision is invoked rarely.

In November 2001, the bodies of eight young women who had been raped and murdered were found in an empty lot adjacent to a busy intersection in Ciudad Juarez. State authorities arrested two bus drivers accused of the crimes within 3 days but the drivers allege their confessions were obtained under torture. Their attorney was subsequently shot and killed by the State Police following a high-speed

car chase during which the attorney called his father and reported that he was being pursued. The police originally alleged that he had died of injuries received when his car crashed but were forced to retract that information when it was revealed that he had been shot in the head. The officers involved in the case were questioned but never charged nor disciplined. They continue in their official capacity. The bus drivers remained jailed pending sentencing at year's end. On December 6, the Chihuahua State Supreme court upheld the decision of a lower court's sentence against Carlos Barrientos Vidales, Charly Ceniceros Garcia and Romel Omar Ceniceros Garcia, members of the gang "Rebeldes" who were detained in 1996, for their participation in the murders of at least 10 women in Ciudad Juarez on the orders of Abdel Latif Sharif. There were two disappearances of young women in Ciudad Juarez in December. No arrests have been made in either case.

The State Attorney General's office claimed that following DNA identification, it had identified positively six of the eight murdered women, whose bodies the families had buried; however, subsequent information revealed that the identifications had been mistaken. When the families demanded additional DNA tests, the State Police claimed the DNA evidence had been lost.

On February 11–12, Marta Altolaguirre Larrondo, the IACHR Special Rapporteur on the Rights of Women visited Ciudad Juarez and expressed her dismay at the lethargy displayed by the state and federal authorities in investigating the death of 268 women since 1993.

Trafficking in women for the purpose of sexual exploitation is a problem (*see* Section 6.f.).

The Federal Criminal Code includes penalties for sexual harassment, but victims must press charges. Many female victims were reluctant to come forward, and cases were difficult to prove. Sexual harassment in the workplace is widespread. In May 2001, the CDHDF estimated that at least 80 percent of the women who work in Mexico City have experienced sexual harassment.

Although the Constitution provides for equality between the sexes, neither the authorities nor society in general respect this in practice. The legal treatment of women's rights is uneven. Women have the right to own property in their own names and to file for separation and divorce. However, in some states a woman may not bring suit to establish paternity and thereby obtain child support unless the child was a product of rape or cohabitation, the child resides with the father, or there is written proof of paternity.

The Constitution and labor laws provide that women shall have the same rights and obligations as men, and that "equal pay shall be given for equal work performed in equal jobs, hours of work, and conditions of efficiency." However, women in the work force generally are paid less than their male counterparts and are concentrated in lower-paying occupations. In February, the sub-secretariat of Educational Services in the Secretariat of Education said that the top 10 percent of the highest paid men earn 50 percent more than the top 10 percent of highest paid women, and that the bottom 10 percent of the lowest paid men earn 25 to 27 percent more than the bottom 10 percent of the lowest paid women.

Labor law provides extensive maternity protection, including 6 weeks' leave before and after childbirth and time off for breast feeding in adequate and hygienic surroundings provided by the employer. Employers are required to provide a pregnant woman with full pay, are prohibited from dismissing her, and must remove her from heavy or dangerous work or exposure to toxic substances. To avoid these expensive requirements, some employers, including some in the maquila industry, reportedly violate these provisions by requiring pregnancy tests in preemployment physicals, by regular examinations and inquiries into women's reproductive status (including additional pregnancy tests), by exposing pregnant women to difficult or hazardous conditions to make them quit, or by dismissing them. In September the Veracruz state office of the Secretariat of Labor and Social Security reported that it had turned over approximately 160 cases of women that were dismissed from their workplace because they were pregnant. The office said that the figure amounted to only 10 percent of the total complaints received.

The Secretariat of Labor makes safety and hygiene inspections in private factories and public institutions to protect the labor rights of workers (*see* Section 6.e.).

There were reports that public health institutions performed forced sterilizations in marginalized indigenous areas (*see* Sections 1.c. and 1.f.).

On March 8, the National Women's Institute (NWI) began operating. This new agency is expected to coordinate tasks previously carried out by the National Women's Program (PRONAM), such as making recommendations to the Government regarding women's issues, and working with government agencies, international organizations, and NGOs to support women's causes. The NWI and the National Statistics Institute tracked gender-specific statistics to ascertain more accurately the sta-

tus of women. The International Labor Organization (ILO), the Secretariats of Labor and Foreign Relations, and the National Women's Institute have all promoted the equal status of women in the workplace. In October 2001, NWI launched its Pro-Equality program, designed to institutionalize a gender perspective within the Federal government. In addition, there are several local groups that actively support women's rights.

The Friends House (Casa Amiga) in Ciudad Juarez provides shelter for women and children in extreme need, advocates for the legal rights of women and children in the state of Chihuahua, and works closely with the sexual trauma assault resource crisis center in El Paso, Texas. It also provides training to police and administers outreach programs. The Fundemos Foundation in Guadalajara promotes legal reforms to protect victims of domestic violence and participates in the state coordinating body for women's organizations.

Children.—The Government maintains several programs to promote child welfare that support maternal and infant health, provide stipends for educating poor children, subsidize food, and provide social workers; however, problems in children's health and education remain. The CNDH received complaints about the services provided by the Secretary of Health, the Secretary of Education (SEP), and the Institute of Social Security. Children under the age of 15 make up 34 percent of the population, and the median age of the population is 21. Nine years of education are compulsory, and parents are legally liable for their children's attendance; however, SEP and the Sierra Neighborhood Foundation have maintained that only approximately 30 percent of youths between 15 and 20 years of age attend school. According to a 1998 academic study, in most areas of the country, girls and boys attend school at similar rates. In marginalized rural areas, national statistical agencies report that 60 percent of girls attend primary school compared with 70 percent of boys. Scholarships offered to families of the abject poor under the Government's "Progresa" antipoverty program kept an additional 100,000 children in school in 1999, and according to Progresa, that number increased by 18 percent in 2000. Progresa incorporated 763,000 new families into the program during the year.

The National Public Health Institute's 2000 National Nutrition Survey reported that 3 million children under the age of 5 suffered some form of malnutrition, and a 1999 national nutrition survey stated that the same number suffer anemia, while another 2 million children chronically were malnourished. The mortality rate for children under 5 years of age was 33 per 1,000 live births, according to UNICEF figures.

The National Institute for the Integral Development of the Family (DIF) received an average of approximately 35,000 complaints per year of physical and mental abuse against children, the majority in the Federal District, Mexico State, and Nuevo Leon. In April 2001, the Federal Chamber of Deputies Committee for Vulnerable Groups estimated that some 300 children die every year due to domestic violence.

Child prostitution and pornography are felonies under the law; however, sexual exploitation is a problem. Under a 2000 law, anyone convicted of corrupting a minor under 16 years of age by introducing the minor to pornography, prostitution, or any sexual exploitation can be sentenced to 5 to 10 years' imprisonment. If parents or guardians are convicted of a crime, they automatically lose custody of their children. If convicted, accomplices to sexual abuse or exploitation may be imprisoned for 6 to 10 years. When physical or psychological violence is used to abuse sexually or profit from children's exploitation, the minimum and maximum penalties for these crimes are increased by up to one-half. A 2000 DIF/UNICEF report estimated that 16,000 children below the age of 17 were victims of some form of sexual exploitation. The localities of Acapulco, Cancun, Ciudad Juarez, Guadalajara, Tapachula, and Tijuana accounted for over one-fourth of that figure (4,600). In 2000, the Mexico City attorney general's office and the Mexico City Human Rights Commission reported that nearly 12,000 children in Mexico City were exploited sexually.

Trafficking in children for the purpose of sexual exploitation was a problem (*see* Section 6.f.). In 2000 the PGR established the Special Prosecutor's Office for Attention to Crimes of Trafficking in Children. Televisa news reported that an estimated 18,000 children a year were kidnaped in Mexico.

Child labor is a problem, particularly among migrant farming families (*see* Section 6.d.). The Government has attempted to make schooling easier for the children of such families by making their educational credentials transferable.

In 2000 the Congress passed a constitutional amendment to protect the rights of children and teenagers and ensure respect for their dignity. The amendment also increased penalties for the sexual abuse or exploitation of children. In 2000 the Congress also passed the Protection of the Rights of Children and Adolescents Law. This law provides for the right to life, nondiscrimination, healthy living conditions,

protection against threats to liberty and physical abuse, a healthy family life, health services, equal treatment for persons with disabilities, education, pursuit of happiness, and freedom of thought and expression. Penalties for violation of this law include fines of 500 to 1,000 times Mexico City's minimum wage and possible imprisonment.

Press reports cited a 1998–99 DIF study that estimated that some 130,000 minors in 101 cities were living in the streets. The NGO Mexican Association of Childhood and Youth reported that there was a large population, estimated at 42,000, of vulnerable street children in Mexico City. Street children often become involved with alcohol, drugs, prostitution, petty thievery, and increasingly, violent crimes. In the past, there were charges that corrupt police officials sometimes exploited these children by pressuring them to commit petty crimes and extorting money from them. In March 2001, the DIF began a program aimed at street children, focusing initially on 3,000 children in Mexico City, Puebla, Guadalajara, Monterrey, Tijuana, and Ciudad Juarez. On April 17, 17-year-old Jose Luis Juarez Tinoco, a street youth, died after having been raped and strangled in Mexico City.

The Government and various NGOs have programs to protect the rights of children and to instill inter-generational respect for human rights through educational programs. During the year, the PGR, the National Women's Institute, UNICEF, and DIF sponsored a program called "Open your Eyes, But Don't Close your Mouth" to encourage citizens to denounce crimes, especially child prostitution and child pornography.

On October 23, the CNDH submitted its recommendation no. 39/2002 directed toward the Secretary of Education, concerning sexual abuses of minors and the possible existence of a child pornography ring in schools within the public education system. The recommendation called for administrative sanction against the school director, a full investigation into the case and psychiatric help for the children and their parents.

On December 10, President Fox unveiled the program "An Appropriate Mexico for Infancy and Adolescence 2002–2010", elaborated with the participation of 25 institutions and in collaboration with UNICEF. The program is designed to cater to the more vulnerable children belonging to indigenous groups, migrants, children with disabilities, and street children. The National Council for Infancy and Adolescence is charged with the implementation of the program. The program is an action plan to diminish child poverty, malnutrition, and abandonment, and childhood sicknesses such as obesity, AIDS, and infant mortality.

Persons with Disabilities.—Estimates of the number of persons with disabilities range from 2 to 10 million. In the 2000 census, 1.8 million persons identified themselves as having a disability, although 2.2 million persons chose not to specify whether or not they had a disability. According to the President's Office for the Promotion and Social Integration of Persons with Disabilities, there are estimated to be 250,000 new cases a year of persons with disabilities owing to accidents, births, or diseases. According to the National Institute for Statistics, Geography and Information (INEGI) there are 988 registered institutions of or for persons with disabilities. In Mexico City, 166 NGOs address problems affecting persons with physical disabilities.

In 2001 the President unveiled the National Public Access Program, designed to provide equal access and rights to persons with disabilities. The program will evaluate and improve accessibility for more than 4,000 federal buildings, including offices, hospitals, airports, and bus stations. In December President Fox reiterated his administration's promise to make government buildings accessible to people with different disabilities. The evaluation program was ongoing at year's end.

In October, Federal District head of government Andres Manuel Lopez Obrador announced that in 2003 the number of persons with disabilities receiving aid in the Federal District's will increase from 40,000 to 50,000.

On December 3, President Fox accompanied by the Secretary of Labor and the national DIF director, unveiled the "Labor Integration Program" to promote the hiring of persons with disabilities by the private sector. The program was supported by the Confederation of Industrial Chambers of Mexico (CONCAMIN).

The DIF has 62 Rehabilitation Centers in 31 states and the Federal District and more than 600 Basic Rehabilitation Units throughout the country.

A total of 27 of the 31 states have laws protecting persons with disabilities. Local law requires access for persons with disabilities to public facilities in Mexico City, but not elsewhere in the country. In practice most public buildings and facilities in Mexico City do not comply with the law. The Federal District also mandated access for children with physical disabilities to all public and private schools. The Mexico City Secretary of Education, Health, and Social Development stated previously that 78 percent of these children received some schooling. In 2000, the President's Office

announced that 90,000 children with disabilities were integrated into a regular education system between 1994 and 2000.

In August the Federal District Electoral Institute (IEDF) announced that it would facilitate voting for persons with disabilities. Voting booths would be made wider and shorter for people in wheelchairs; however, ramps leading to the voting booths for wheelchairs would not be installed. Ballot boxes with Braille writing, and a special ballot holder and marker for those with limited fine motor skills will be available.

Indigenous Persons.—The indigenous population has been long subject to discrimination, repression, and marginalization. In December 2000, the Fox administration created the Office of Development of Indigenous People, within the presidency to work with the National Indigenous Institute (INI) to attend to indigenous affairs. In its "National Program for the Development of Indigenous Peoples 2001–2006", the INI estimated the registered indigenous population at 8.4 million, while the estimated overall population was 12.7 million. Estimates from other organizations vary from 8 to 10 million. The report lists: 6 million native indigenous dialect speakers over 5 years of age, 1.3 million children under 5 who live in households of native indigenous dialect speakers, and 1.1 million individuals who identified themselves as indigenous, but do not speak an indigenous dialect. Indigenous people are located principally in the central and southern regions and represent 37 percent of the population in the states of Oaxaca and Yucatan. However, these groups have remained largely outside the political and economic mainstream, as a result of longstanding patterns of economic and social development. In many cases, their ability to participate in decisions affecting their lands, cultural traditions, and allocation of natural resources is negligible.

In 2000 President Fox submitted to Congress the Indigenous Rights and Culture bill (COCOPA), a package of constitutional reforms that codified the San Andres Accords. In April 2001, the Senate and Lower House passed an amended version of the Indigenous Rights and Culture bill, and the bill became law in August 2001. The bill addressed government recognition of indigenous people; their right to internal self-government; the legal standing of traditional forms of justice; indigenous input into national, state, and municipal development plans; and control over natural resources.

The EZLN opposed the revised bill's subjection of indigenous rights and autonomy to existing federal, state, and municipal laws and jurisdictions, provisions not contained in the original COCOPA proposal.

Various state governments and multiple indigenous groups launched more than 300 challenges to the reform's constitutionality. Opponents claimed that the process by which the reform was amended contravened international norms and conventions, specifically ILO Convention 169 on Indigenous and Tribal Peoples, which requires public participation in the development of legislation that affects the lives of indigenous people.

On September 6, the Supreme Court ruled that it did not have the authority to analyze legislated changes to the Constitution and that therefore, the August 2001 changes to the Indigenous Rights Law remain valid and beyond the Court's jurisdiction to approve, modify, or strike. The ruling closed the judicial door to changing the law. A multitude of indigenous and human rights NGOs, as well as state and local governments, declared their dissatisfaction with the decision. Governments and NGOs fear that the decision may lead to renewed violence, as Indigenous groups perceive that they have used their last legal option, and their only alternative is more radical protest.

In April CNDH President Jose Luis Soberanes stated that the indigenous people remain third-class citizens. Indigenous people do not receive social justice, he added, and there is no indication that the State has the intention of paying its historic debt.

Sporadic outbursts of politically motivated and land dispute violence continued to occur in the southern states of Chiapas, Guerrero, and Oaxaca. Land disputes going back decades are also a cause of tension in the indigenous regions, especially in Oaxaca, Guerrero, and Chiapas (*see* Section 1.a.).

Judges often failed to sentence indigenous detainees within legally mandated periods (*see* Sections 1.d. and 1.e.). However, federal prosecutors drop drug charges against indigenous defendants whom drug traffickers forced to grow illegal crops, and the INI supports programs to provide translators and bail assistance to indigenous defendants (*see* Section 1.d.).

Indigenous people do not live on autonomous reservations, although some indigenous communities exercise considerable local control over economic, political, and social issues. In the State of Oaxaca, for example, 70 percent of the 570 municipalities are governed according to the indigenous regime of usages and customs, which may

not follow democratic norms such as the secret ballot, universal suffrage, and political affiliation (*see* Section 3). These communities apply traditional practices to resolve disputes and to choose local officials. In 1998 Quintana Roo's State Legislature passed a similar usages and customs law. While the laws allow communities in these states to elect officials according to their traditions, these usages and customs tend to exclude women from the political process. Usages and customs also often infringe on other rights of women.

There were reports that public health institutions performed forced sterilizations in marginalized indigenous areas (*see* Section 1.f.).

The law provides some protection for indigenous people, and the Government provides support for indigenous communities through social and economic assistance programs, legal provisions, and social welfare programs. Budget constraints prevented these measures from meeting the needs of all indigenous people.

The General Education Act provides that educational instruction shall be conducted in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages. However, many indigenous persons speak only their native languages.

The President created the sub-cabinet Office for the Development of Indigenous Peoples led by Xochitl Galvez to complement the efforts of the INI, the CNDH, and various NGOs, which operate programs to educate indigenous groups about their political and human rights. The Government generally professed respect for indigenous people's desire to retain elements of their traditional culture in practice. The CNDH's Office of the Fourth Inspector General reviews and investigates violations of indigenous rights. More than 130 NGOs are dedicated to the promotion and protection of indigenous rights.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Federal Labor Law (LFT) provide workers with the right to form and join trade unions of their choice. Approximately 25 percent of the total work force is unionized, mostly in the formal sector, where approximately one-half the labor force is employed.

No prior approval is needed to form unions; however, they must register with the Federal Labor Secretariat (STPS) or state labor boards (JLCA) to function legally. Registration requirements are not onerous. In 2001 46 new labor unions registered with the STPS or the JLCA, and approximately 50 percent of these were independent of the main labor centrals. However, the STPS or the JLCA occasionally have withheld or delayed registration of unions. For example, in October 2001 the STPS declared itself incompetent to register a union to represent professional soccer players, arguing that guaranteeing union representation to sports professionals is not a federal function. In April a labor judge in Mexico City ruled against the STPS, and the STPS appealed the decision to the Supreme Court. The court ruled against the union, upholding the argument of the Secretariat that the Federal Conciliation and Arbitration Board was not competent to register the union. However, the Court did say that the football players' union could register with any state or local conciliation and arbitration board, and that that registration would be considered valid in the whole country.

The STPS and the JLCA have registered unions that turned out to be run by extortionists or labor racketeers falsely claiming to represent workers. To remedy this problem, STPS officials required evidence that unions were genuine and representative. Genuine unions can demonstrate that they actually have members and represent the workers at the workplace. Some labor organizations have complained that they have found it difficult to obtain registration, especially from some local conciliation and arbitration boards.

The Federal Labor Board (JFCA) and the JLCA are tripartite and include the Government, union, and employer representatives. Although trade union presence on the boards usually is a positive feature, it can sometimes lead to unfair partiality in representation disputes. Trade union registration was the subject of follow-up activities pursuant to a 1995 agreement reached in ministerial consultations under the North American Agreement on Labor Cooperation.

Unions form federations and confederations freely without government approval. Most unions belong to such bodies, which also must register to have legal status. The largest trade union central is the Confederation of Mexican Workers (CTM), traditionally a part of the labor sector of the PRI, but affiliation is by individual unions.

The Mexican Workers' Regional Confederation, the Revolutionary Worker and Peasant Confederation, and most of the separate national unions, smaller confederations, and federations in the Labor Congress (CT) also are allied with the PRI. However, several unions did not ally themselves with the PRI, including SNTE, the

large teacher's union, which severed its PRI ties a decade ago, and freed its minority factions—including the CNTE, a breakaway teachers' union—to cooperate openly with other parties, particularly the PRD. In April 2001, the Federal Employee Union Federation (FSTSE) ended its long-standing relationship with the PRI. There also are a few small labor federations and independent unions outside the CT not allied with the PRI. One is the small, left-of-center Authentic Labor Front (FAT). Most FAT members sympathize with the PRD, but the FAT is independent and not formally tied to the PRD. In 1997 160 labor organizations representing workers in the private and public sectors, led by the telephone workers and social security workers unions, formed the National Union of Workers—a labor central in competition with the officially recognized CT.

PRI-affiliated union officers traditionally helped select, ran as, and campaigned for PRI candidates in federal and state elections and supported past PRI government policies at crucial moments. The CT, especially the CTM, was well represented in the PRI senatorial and congressional delegations, although its numbers diminished significantly after the 1997 and the 2000 elections.

The ILO Committee of Experts (COE) has found that certain restrictions in federal employee labor law, adopted at FSTSE request, violate ILO Convention 87 on freedom of association. These restrictions allow only one union per jurisdiction, forbid union members from quitting the union, and prohibit reelection of union officials. In 1998 the COE and the ILO Committee on Application of Standards reiterated their criticism and asked the Government to amend the law. The Government responded to the criticism with subsequent labor reforms. A 1999 Supreme Court decision permits the formation and recognition of more than one union per federal entity. In April 2001, the Supreme Court ruled that Articles 395 and 413 of the LFT were unconstitutional because they violated the constitutional provision for freedom of association. This decision permitted recognition of multiple unions at a company, and workers may obtain and retain employment whether or not they are associated with a union.

In April 2001, the Congress approved a package of constitutional reforms on indigenous rights and culture (*see* Section 5). Critics argue the approved reforms fail to meet the Government's obligations to ILO Convention 169 on Indigenous and Tribal Peoples. In the report prepared for the June Conference, the COE noted numerous complaints of noncompliance with Convention 169 and stated that although the constitutional reforms published in the Official Bulletin "cover a large part of the subjects covered by the Convention," the COE was aware that the reforms were controversial and was examining them in detail.

The country's record for internal union democracy and transparency was spotty. Some unions were democratic, but corruption and strong-arm tactics were common in others.

In a case involving freedom of association linked to the right to organize unions, in 1997 a total of 10 unions and 24 additional organizations, including NGOs and human rights groups, jointly filed a submission with the U.S. National Administrative Office (NAO) alleging that a CTM-affiliated union used strong-arm tactics to intimidate workers so that they would not vote in favor of a rival union to represent workers at a plant in Mexico state. This submission also alleged violations of health and safety regulations. The Canadian NAO also received a submission on this case in 1998. The U.S. NAO issued a report in 1998 that recommended ministerial consultations. A May 2000 agreement between the U.S. and Mexican Labor Secretaries and adhered to by the Canadian Labor Minister provided that the Mexican Labor Secretariat hold a trilateral public seminar regarding labor boards and their members and officials; their structure and responsibilities; the rules and procedures to assure impartiality, as well as their role in the process for gaining the right to a collective bargaining contract. Consistent with the Joint Statement on Ministerial Consultations released on June 12, the seminar is to take place in Monterrey, Nuevo Leon, Mexico; however, it had not been scheduled by year's end.

The Constitution and the LFT protect labor organizations from government interference in their internal affairs, including strike decisions. However, this also can protect undemocratic or corrupt union leaders. The law still permits closed shop and exclusion clauses, allowing union leaders to vet and veto new hires and to force dismissal of anyone the union expels. Such clauses are common in collective bargaining agreements.

Employer organizations slowed efforts to push for labor law reform early in 1999 and entered into ongoing discussions with the Government and labor unions about reforming the LFT's rules of procedure. Government, employers, and unions had negotiated reforms through tripartite national agreements and collective bargaining at the enterprise level. Reforms were effected also through cooperation in programs to increase, and compensate for, productivity. Government, national labor unions, and

employer organizations met periodically throughout the year to discuss ways and means of cooperation to boost productivity, wages, and competitiveness. The STPS sponsored a reformatted restructured committee that was working on draft labor legislation to present to Congress at year's end. On December 12, a group of 17 members from the PRI, the PAN, and the Green Ecologist Party introduced the labor reform bill to the Chamber of Deputies plenum, that in turn referred it to the appropriate committees. Congress did not act on the legislation prior to adjourning for the year on December 15.

Unions are free to affiliate with, and increasingly are interested in actively participating in, trade union internationals.

b. The Right to Organize and Bargain Collectively.—The Constitution and the LFT provide for the right to organize and bargain collectively. Interest by a few employees, or a union strike notice, compels an employer either to recognize a union and negotiate with it or to ask the federal or state labor board to hold a union recognition election. LFT pro-union provisions led some employers to seek out or create independent "white" or company unions as an alternative to mainstream national or local unions. Representation elections are traditionally open, not secret. Traditionally, management and union officials are present with the presiding labor board official when workers openly declare their votes, one by one. Such open recounts, which in the past have resulted in the intimidation of prounion workers and in reprisals against them, are prevailing practice but are not required by law or regulation. Secret ballots are held when all parties agree. Moves to change that arrangement began early in the year. The draft bill contains provision for secret ballot elections as long as there are at least two contenders. The bill, however, is not yet law.

On March 5, workers, dissatisfied with benefit and salary negotiations at Alcoa Plant Number 2 in Piedras Negras, Coahuila, voted to replace the union representation of the CTM with an independent union, Comite Fronterizo de Obreros (CFO). In spite of enduring harassment and violence allegedly from the CTM, workers handed victory to the CFO by 300 votes, a 20 percent margin. This election was noteworthy because it occurred by secret ballot. On October 18, workers at Alcoa Plant #1 elected new union representatives by secret ballot. The slate entitled "For Unity" received 400 more votes than were cast for the slate sponsored by CTM leader Leocadio Hernandez. The union committee of Plant #2 assisted the independent union in achieving its victory at Plant #1. At year's end, local labor authorities had not granted registration to either new union.

In July the National Administrative Office (NAO) in Washington D.C. charged with oversight of the North American Agreement on Labor Cooperation declined to accept a submission from the AFL-CIO, protesting that a lack of secret ballots during a March 2001 election at a foreign-owned company in Rio Bravo, Tamaulipas. The NAO argued that Mexican labor law recognizes the rights of freedom of association and to bargain collectively, but has no provision governing the use of secret ballots in trade union representation elections.

The 2002 Human Rights Watch World Report stated that collective bargaining agreements negotiated between management and probusiness and nonindependent unions frequently hindered legitimate organizing activity. The report stated that in other cases employers' hiring practices, such as the use of subcontractors and "permanent temporary" workers, impeded workers from organizing.

Wage restraints no longer exist, except for those caused by recession or an employer's difficult situation. Wages in most union contracts appeared to keep pace with or ahead of inflation, but most workers had not yet regained buying power lost over the past decade.

The Constitution and the LFT provide for the right to strike. The law requires 6 to 10 days' advance strike notice, followed by brief government mediation. If federal or state authorities rule a strike "nonexistent" or "illicit," employees must remain at work, return to work within 24 hours, or face dismissal. If they rule a strike legal, the company or unit must shut down completely, management officials may not enter the premises until the strike is over, and the company may not hire replacements for striking workers. Provisions for maintaining essential services are not onerous. The law also makes filing a strike notice an effective, commonly used threat that protects a failing company's assets from creditors and courts until an agreement is reached on severance pay. Although few strikes actually occur, informal stoppages are fairly common, but uncounted in statistics, and seldom last long enough to be recognized or ruled out of order. The law permits public sector strikes, but formal public sector strikes are rare. Informal ones are more frequent. There were 43 strikes from January through November. According to the Secretariat of Labor and Social Welfare, in the two years that the Fox administration has been in office there have been 82 strikes at the federal level.

The public sector is almost completely organized. Industrial areas are organized heavily. Even states with little industry have transport and public employee unions, and rural peasant organizations are omnipresent. The law protects workers from antiunion discrimination, but enforcement is uneven in the few states with low unionization.

Unionization and wage levels in the in-bond export sector varied by area and sophistication of the manufacturing process. The National Council of the In-Bond Export Manufacturing Industry claims that its members employ approximately 1.1 million persons. According to INEGI, there are 3,204 active maquiladora plants in the country. Wages have been slightly higher and job creation has been greater in this sector than in more traditional manufacturing. Compensation packages in the maquiladora sector still were lower than in the traditional manufacturing sector. There was no evidence that the Government opposed unionization of the plants, although the maquiladora sector tends to be under state jurisdiction. Protection contracts, to which the workforce is not privy, are used in the maquila sector and elsewhere to discourage the development of authentic unions. These contracts are collective bargaining agreements negotiated and signed by management and a representative of a so-called labor organization, sometimes even prior to the hiring of a single worker.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced labor, which includes forced and bonded labor by children; however, trafficking in persons, including children, for sexual exploitation and forced labor is a problem (*see* Section 6.f.). There also were cases of abuses of refugees and undocumented immigrants (*see* Section 2.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution prohibits children under 14 years of age from working and sets the minimum legal work age at 14 years; however, child labor is a problem. Those between the ages of 14 and 16 may work only limited hours, with no night or hazardous work, which generally makes hiring them uneconomical. Enforcement was reasonably good at large and medium-sized companies, especially in maquiladoras and industries under federal jurisdiction. Enforcement was inadequate at many small companies and in agriculture and construction. It was nearly absent in the informal sector, and the Government's efforts to enforce the law stalled.

A 2000 report published by UNICEF and the National Action Commission in Favor of Children estimated that approximately 3.5 million children between the ages of 6 and 18 work regularly. Approximately 1.5 million children work in agriculture, particularly in the northern states. In 1999 UNICEF and the DIF, estimated that 150,000 children work in the 100 largest cities.

Reliable current statistics on child labor in the country do not exist. In 1996 the ILO reported that 18 percent of children 12 to 14 years of age work, often for parents or relatives. Most child labor is in the informal sector (including myriad underage street vendors), family-owned workshops, or in agriculture and rural areas. Mexico City's central market employs approximately 11,000 minors between the ages of 7 and 18, who work as cart-pushers, kitchen help, and vendors. In 1999 UNICEF and DIF estimated that 135,000 children worked on the city streets. The children do not receive a fixed wage, and most work long shifts, starting in the early morning hours. The CTM agricultural union's success years earlier in obtaining free transport for migrant seasonal workers from southern states to fields in the north inadvertently led to a significant increase in child labor. The union and employers were unable to convince indigenous farm workers to leave their families at home, and many settled near work sites in the north. The union has had some limited success in negotiating with employers to finance education in Spanish and indigenous languages near work sites and in obtaining social security child care centers, but it has had difficulty in persuading member families not to bring their children into the fields. Many urban child workers are migrants from rural areas, are illiterate, and have parents who are unemployed.

The Government's antipoverty program works to keep poor children in school as an alternative to work (*see* Section 5). The Government of the Federal District implemented a law adopted in 1999 that increased limitations on working hours and conditions for children employed as supermarket baggers and automotive attendants.

The Constitution prohibits forced labor, which includes forced and bonded labor by children; however, trafficking in children is a problem (*see* Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Constitution and the LFT provide for a daily minimum wage. The tripartite National Minimum Wage Commission (government, labor, and employers) usually sets minimum wage rates each December, effective on January 1, but any of the three parties can ask that the wage commission

reconvene during the year to consider a changed situation. In December 2001, the wage commission adopted an average 5.8 percent increase, effective on January 1, based in part on the Government's projection of a 4.5 percent annual inflation rate.

In Acapulco, Mexico City and nearby industrial areas, southeast Veracruz state's refining and petrochemical zone, and most border areas, the minimum daily wage was set at $4.43 (42.15 pesos). In Guadalajara, Monterrey, and other advanced industrialized areas, the minimum daily wage was $4.22 (40.10 pesos). In other areas, it was $4.03 (38.30 pesos). There are higher minimums for some occupations, such as the building trades.

The minimum wage does not provide a decent standard of living for a worker and family. Few workers (approximately 16 percent) earn only the minimum wage; most workers earn multiples of the minimum wage, and industrial workers average three to four times the minimum wage, earning more at larger, more advanced, and prosperous enterprises.

The law and contract arrangements provide workers with extensive additional benefits. Legally required benefits include free social security medical treatment, pensions, individual worker housing and retirement accounts, Christmas bonuses, paid vacations, and profit sharing. Employer costs for these benefits add from approximately 27 percent of base salaries at marginal enterprises to over 100 percent at major firms with good union contracts. In addition, employers frequently subsidize the cost of meals, transportation, and day care for children, and pay bonuses for punctuality and productivity.

The LFT sets six 8-hour days as the legal workweek, but with pay for 56 hours. For most industrial workers, especially under union contract, the true workweek is 42 hours, although they are paid for 7 full 8-hour days. This is one reason why unions vigorously defend the legal ban on hourly wages. Workers asked to exceed 3 hours of overtime per day or required to work overtime on 3 consecutive days must be paid triple the normal wage.

There are 11 special labor arbitration and conciliation boards (in Queretaro, Pachuca, Ciudad del Carmen, Zacatecas, Orizaba, Ciudad Juarez, Cancun, Colima, La Paz, Reynosa, and Tijuana) and 4 more state offices of the STPS to make it more convenient for workers to file complaints and bring other actions before the labor court system.

The law requires employers to observe occupational safety and health regulations, issued jointly by the STPS and the Social Security Institute (IMSS), and to pay contributions that vary according to their workplace safety and health experience ratings. LFT-mandated joint management and labor committees set standards and are responsible for workplace enforcement in plants and offices. These committees meet at least monthly to consider workplace needs and file copies of their minutes with federal labor inspectors. Federal and state authorities exchange information.

STPS and IMSS officials continued to report that compliance is reasonably good at most large companies. However, because smaller firms are far more numerous and so much more difficult to monitor, these officials were unable to draw any general conclusions about their compliance. There were not enough federal inspectors to enforce effectively health and safety standards at smaller firms. There are special problems in construction, where unskilled, untrained, poorly educated, transient labor is common, especially at many small sites and companies. Many unions, particularly in construction, are not organized effectively to provide training, to encourage members to work safely and healthily, to participate in the joint committees, or to insist on their rights.

To protect the rights of workers, the Secretariat of Labor made 9,593 safety and hygiene inspections in private factories and public institutions through August and estimated that it would complete 13,790 by the end of the year. However, while the Government increased the number of federal inspectors in 1997 and concluded agreements with more states to expand and better coordinate labor inspections, the 3,204 maquila plants far exceed the 253 federal inspectors.

In July and October, a bilateral working group of government experts on occupational safety and health issues held its first two meetings. This group will discuss and review issues raised in the public communications, formulate technical recommendations for consideration by governments, develop and evaluate technical cooperation projects occupational safety and health for improving occupational safety and health in the workplace, and identify other occupational safety and health issues appropriate for bilateral cooperation.

Many agricultural workers are internal migrants, who often travel with their families, including young children. They often are paid by volume of the work they produce, rather than by the day. Working conditions vary by area of the country and from one locality to another. In the past, allegations were made that workers,

including young children accompanying them, have been exposed to pesticides and other chemicals.

Individual employees or unions also may complain directly to inspectors or safety and health officials. Workers may remove themselves from hazardous situations without jeopardizing their employment. Plaintiffs may bring complaints before the federal labor board at no cost to themselves.

f. Trafficking in Persons.—The law prohibits trafficking in persons. Trafficking is a serious problem, and there were credible reports that police, immigration, and customs officials were involved in the trafficking of such persons (*see* Section 2.d.).

Mexico is a source country for trafficked persons to the United States, and to a lesser extent Canada, and a transit country for persons from various countries, especially Central America and to a much smaller extent Brazil and Eastern Europe. It is a destination country for children trafficked from Central America, especially from Honduras to Tapachula, Chiapas. Salvadorans, Hondurans, and Guatemalans, especially children, are trafficked into the country for prostitution, particularly on the southern border. Internal trafficking, including of children for sexual exploitation, also is a problem.

In 2001 DIF and UNICEF reported that an estimated 16,000 children were victims of sexual exploitation, including prostitution. Most were Mexican, although there were significant numbers from Central America—principally Guatemala, Honduras, and El Salvador. In many cases, those who brought them in the country promised them employment in legitimate occupations. Thereafter they were sold to the owners of bars and other establishments and then forced into prostitution to "pay off their debts." This debt peonage often never ends because the children accrue more debt for their meals and housing. The owners sold or traded the children among themselves. Other children were transported to Mexico City for "training" and then were sent to centers of tourism. Some children are trafficked to the U.S. and Canada. In an ongoing study, DIF and UNICEF reported that the largest concentration of exploited children were found in Acapulco, Guerrero; Tijuana, Baja California; Ciudad Juarez, Chihuahua; Cancun, Quintana Roo; Guadalajara, Jalisco; and Tapachula, Chiapas.

There are no specific laws that prohibit the trafficking of persons, although immigration laws, the federal organized crime law, and federal and state penal codes contain provisions that may be used to prosecute traffickers of undocumented migrants, women, and children. Laws pertaining to trafficking in persons are Article 138 of the Immigration Law, and the Federal Organized Crime Law of the Federal Penal Code. There also are laws prohibiting the sexual abuse or exploitation of children and forced labor by children (*see* Sections 5 and 6.c.). The PRG and the INM are the agencies responsible for enforcing antitrafficking laws; however, there is no special program to combat trafficking. In 2000 the PRG established the Special Prosecutor's Office for Attention to Crimes of Trafficking in Children (*see* Section 5). The Government prosecutes cases against traffickers, but no statistics were available.

The Government has a Plan of Action to Prevent, Attend, and Eradicate the Commercial Sexual Exploitation of Minors. The program is administered through the DIF and is supported by numerous executive and legislative branch entities. The Chihuahua state Attorney General's Office runs a series of self-awareness programs to educate women about the many dangers confronting them in Ciudad Juarez. There also have been campaigns to prevent illegal migration and migrant smuggling.

The Government has strengthened significantly its cooperation with other countries. In 2000 the Honduran government stated that it was working to repatriate from Mexico approximately 400 Honduran girls, between the ages of 10 and 16 years, who after unsuccessfully having tried to enter the U.S. illegally were forced into prostitution in Mexico.

The Government supports general prevention campaigns for children and women, and administers assistance programs for children repatriated to Mexico. The legal framework exists to protect the victims of trafficking and provide social services to these victims. However, in practice persons illegally in the country usually are deported.

Numerous NGOs work on related issues such as migrant trafficking, child prostitution, sexual exploitation, and women's rights (*see* Sections 2.d. and 5).

NICARAGUA

Nicaragua is a constitutional democracy, with a directly elected president, vice president, and unicameral legislature. In November 2001, voters elected Enrique

Bolanos Geyer of the Liberal Constitutionalist Party (PLC) as President in a generally free and fair election. The Supreme Electoral Council (CSE) is an independent fourth branch of government; however it was subject to political influence. The Constitution provides for an independent judiciary; however, the judiciary was susceptible to political and financial influence.

The President is the supreme chief of the national defense and security forces. Former President Aleman established the first civilian defense ministry upon his inauguration in 1997; however, the Minister of Defense has limited authority over the military under the Constitution. The Ministry of government oversees the National Police, which is charged formally with internal security; however, the police share this responsibility with the army in rural areas. The National Police continued to reduce the role of voluntary police (private citizens contracted by the National Police to help fill staffing gaps) in law enforcement. Use of voluntary police was discontinued in Managua; however, it continued in rural areas. The civilian authorities generally maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The market-based economy is predominantly agricultural; coffee, seafood, sugar, beef, light manufacturing, and tourism are key sectors. The country's population is approximately 5.3 million. A worldwide drop in coffee prices, the lack of an adequate legal framework to give confidence to domestic and foreign investors, a fragile banking system, large external debt, inflation, and unresolved property disputes and unclear land titles stemming from massive confiscations by the Sandinista government in the 1980s limited economic growth. The economy grew by 3 percent in real terms in 2001; however, the growth rate was expected to decline to approximately 1 percent during the year. The annual rate of consumer price inflation was expected to be 4 percent during the year, marking the fourth consecutive year of single-digit increases. While the official projection of unemployment was 11 percent, unofficial estimates of combined unemployment and underemployment remained as high as 40 to 50 percent. The economy remained heavily dependent on foreign aid and remittances from abroad.

The Government generally respected the human rights of its citizens; however, serious problems remain in some areas. At year's end, there were ongoing investigations of those members of the security forces who were accused of having committed unlawful killings. Police continued to beat and otherwise abuse detainees. Some detainees credibly alleged that they were tortured. Prison and police holding cell conditions remained harsh, and overcrowding increased. Security forces arbitrarily arrested and detained citizens; however, the number of such reports decreased during the year. The Government effectively punished some of those who committed abuses; however, a degree of impunity persisted. Lengthy pretrial detention and long delays in trials increased significantly. The 2001 Criminal Procedures Code took effect at year's end. The judiciary is subject at times to political influence and corruption. The Supreme Court ended its 5-year structural reform program of the judicial system with mixed success. The weakness of the judiciary continued to hamper prosecution of human rights abusers in some cases. The Human Rights Ombudsman made publicized recommendations during the year that openly challenged the actions of the security forces. Violence against women, including domestic abuse and rape, remained a concern. Discrimination against women was endemic. Violence against children and child prostitution continued. Discrimination against indigenous people also occurred. Child labor continued to exist. Concern over violation of labor rights in free trade zones continued. There were several documented reports of trafficking in women and girls for the purpose of sexual exploitation. Nicaragua was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The civil war formally concluded in June 1990 with the demobilization of the Nicaraguan Resistance (RN, or "contras"). However, the rule of law and basic infrastructure do not extend to all rural areas. Despite the Government's disarmament campaigns, many citizens, especially in rural areas, are heavily armed.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by government officials; however, the police received 20 allegations of unlawful killings by police; each of these was referred by the Inspector General of the police to the courts. All of the cases were pending before the courts at year's end.

The Inspector General's Office of the National Police received 20 reports of police killing of alleged criminals and 103 reports of instances in which police seriously

wounded criminal suspects while attempting to arrest them. The Inspector General remands to the court system for review all cases in which police use deadly force; however, the courts often take considerable time to process these cases and many of the cases never reach a final resolution in the court system (*see* Section 1.e.). The police do not make a final decision on cases sent to the courts until the courts respond with a verdict. While the police await the decisions from the courts, the Inspector General's Office normally applies a mild punishment, such as suspension or confinement to precinct. Of the 139 cases the Inspector General remanded to the courts during the year, 1 case had been completely adjudicated by the courts by year's end. In January police Captain Arnulfo Rocha Mora shot and killed 31-year-old Santos Jose Polanco in Teustepe. A judge in Boaco indicted Captain Rocha for excessive force. Rocha claimed that he shot Polanco in self-defense and he was appealing the indictment at year's end. The police relocated Captain Rocha and allowed him to continue his duties while the appeal was underway. On August 11, police officer Carlos Martinez Castillo shot and killed 37-year-old Jose Sabino Martinez Mendoza, a suspected trafficker in aliens or narcotics, in Villa Venezuela, a suburb of Managua, after he failed to stop at a police checkpoint. When Mendoza fled on foot after abandoning his truck, the police fired warning shots. When Mendoza did not heed the warning, Castillo shot him in the head. Police accused five men traveling with Mendoza of being illegal immigrants. Although the courts acquitted four of the men, the authorities deported all five. In August a court acquitted officer Castillo of first degree murder and manslaughter.

By February, a joint police-military operation effectively had neutralized remnants of the pro-Sandinista "Andres Castro United Front" (FUAC) when it killed nearly 60 alleged FUAC members who had engaged in murder, kidnaping for ransom, and armed robbery in the north and north-central regions of the country since their disarmament in 1999. The Nicaraguan Center for Human Rights (CENIDH), a leading human rights group, alleged that the army committed at least six human rights violations during the operation. Press reports indicated that the security forces beheaded some of the FUAC fighters. The army insisted that it had used necessary force to ensure domestic security during a legitimate operation. The army claimed that it had looked into these charges; however, it did not launch a formal investigation.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law makes the use of torture a punishable crime; however, police continued to beat and otherwise abuse detainees. There were numerous credible reports that police beat or physically mistreated detainees, often to obtain confessions. CENIDH received 422 complaints of torture or degrading treatment by the authorities during the year and verified 201 of these. The Inspector General's Office recorded 620 complaints of mistreatment by police, including those submitted by CENIDH, and found 191 to have merit. The Inspector General punished 351 officers in these cases. Among the complaints were 103 instances in which police seriously wounded criminal suspects while attempting to arrest them. By year's end, the police had dishonorably discharged 7 officers and referred 139 officers to the courts.

The National Police reduced the law enforcement role of voluntary police, private citizens used on a volunteer basis to help fill staffing gaps in several precincts. The National Police provide them with a uniform, and in some cases, with a gun, at the discretion of the police chief. Voluntary police do not receive a salary or professional training. The police can apply no administrative sanctions to the volunteers, other than to terminate their status. In 2000 former Chief of Police Franco Montealegre terminated the use of voluntary police in Managua; however, as of September, there were 1,681 voluntary police outside of Managua, a 22 percent decrease from the 2,170 in 2001. Several were implicated in human rights abuses during the year.

The Inspector General's Office investigated allegations of abuse by the regular police and sanctioned the offenders in many cases; however, a degree of impunity persisted. Inadequate budget support for the National Police hampered efforts to improve police performance and resulted in a continuing shortage of officers. However, international assistance programs provided the police with extensive training during the year.

The Inspector General's Office reported that it received a total of 399 complaints of human rights violations by police officers during the year, including complaints forwarded by the Office of Civil Inspection for Professional Responsibility, and found 85 to have merit. The Inspector General's Office punished a total of 131 officers for violations of human rights. Of those punished, the police discharged 1 officer dishonorably, remanded 50 to the courts, and gave the rest lesser punishments, including demotion, suspension, and loss of pay.

On February 23, a group of nearly 30 police, led by Captain Maribel Ruiz Lovo, wounded 15 people as they attempted to evict 13 families who were allegedly squatting on disputed land on the island of Ometepe. Civil District Judge Gloria Maria Arauz and Municipal Judge Hazel Sandino ordered the eviction. Police Subcommissioner Fidel Dominguez Alvarez authorized the eviction action. The police encountered violent resistance from the evictees and responded forcefully to them, up to and including firing their weapons. The evictees were reportedly unarmed, except for crude weapons such as rocks and sticks. The Supreme Court (CSJ) launched an immediate investigation of Judges Arauz and Sandino's roles in the case, and, less than a month later, both were dismissed from their judicial posts. The Police Inspector General immediately formed a special commission to investigate the police personnel involved and suspended Subcommissioner Alvarez during the investigation. In May a court convicted eight police officers involved in the raid, including Subcommissioner Alvarez and Captain Ruiz Lovo, and sentenced them to various terms in prison. The officers' appeals of their convictions were pending at year's end.

On March 16, Rivas police officers Justo Alcocer Fajardo and Jorge Ferrey allegedly beat 19-year-old Nestor Guadamuz Marenco, who eventually died of his injuries. A Rivas court detained the officers for 5 months during the ensuing investigation and trial. The trial ended in an acquittal, and both officers continued to serve on the police force at year's end.

On April 19, a female detainee accused a guard, William Jesus Hernandez Mendez, of rape. An investigation by the Internal Affairs Office verified the allegations against Mendez based on forensic evidence. A court acquitted Mendez; however, the police gave him a dishonorable discharge for violating prison regulations prohibiting sexual relations between prisoners and guards.

On July 15, a female prisoner in the Chinandega prison accused two guards, Felix Bertilio Moreno and Mariano Romero, of rape. The authorities detained them on July 16. An independent forensic scientist found no signs of violence and believed the incident to be consensual. The victim dropped the charges and the officers were released. However, the officers were stripped of their rank.

During the year, the police did not launch an investigation into the January 2001 police beating of Pedro Antonio Castro Baltodano in Managua. They maintained that no police personnel were involved in spite of allegations to the contrary by the Nicaraguan Association for Human Rights (ANPDH). It does not appear that any formal investigation will be initiated.

The trial of police officer Bismark Laguna for the June 2001 shooting of gang members Juan Carlos Mendoza and Lenin Calderon Mendoza in San Isidro, Matagalpa remained stalled and unresolved at year's end. Laguna was allowed to remain free pending the trial's conclusion. The presiding judge, Carla Emilia Lopez, said that the case was bogged down by a lack of interest on the part of the involved parties. There appeared little chance that a judgment would ever be made in the trial.

Various NGOs provided the police and the army with human rights training (*see* Section 4).

Prison conditions remained harsh. The number of prisoners who spent 6 months or more incarcerated without a trial increased significantly (*see* Section 1.d.). According to government statistics, the prisons, with an official capacity of 5,132, had a total inmate population of 5,624 in December, compared with 5,060 in November 2001 and 4,903 in September 2000. Detainees were held separately from convicted prisoners (*see* Section 1.e.).

Prison guards received human rights training from NGOs and the Catholic Church and generally treated prisoners well, although there were some reports of abuses. There were no reports of riots or other violence during the year.

The prison system remained underfunded and medical attention ranged from inadequate to nonexistent. Medical care available to prisoners fell far short of basic needs. For example, for all 8 penitentiaries and 5,624 prisoners, prison authorities maintained a staff of 24 specialists, including doctors, psychologists, teachers, and social workers. Prison authorities also reported that 49 percent of prisoners were without beds; these prisoners slept on concrete beds or floors. Several churches, national and international NGOs donated foodstuffs, beds, and medicine to the prison system to help alleviate shortfalls. Prison officials calculated that the daily expenditure per prisoner for food was about $0.50 (6 cordobas) and reported that the annual budget for food remained constant. There was some improvement in prison food, but malnutrition remained a problem in local jails and police holding cells. Many prisoners also received additional food from visiting family and friends. Some prisons and many police holding cells were dark, poorly ventilated, and unhygienic. Conditions in jails and holding cells remained harsh. Police station holding cells were severely overcrowded. Suspects regularly were left in these cells during their trials,

since budgetary shortfalls often restricted the use of fuel for frequent transfers to distant courtrooms. At the Bluefields jail, there were only 2 showers and 4 toilets for more than 105 prisoners. The authorities occasionally released detainees when they no longer could feed them. Only Managua has a separate prison for women; outside the Managua area, women were housed in separate wings in prison facilities and were guarded by female custodians. As of December, females made up 3.8 percent of the prison population. The Public Defender's office assigned two full-time employees to work with the women's prison system to help ensure its proper functioning in areas such as timely release of inmates granted parole. As of December, 1 percent of the prison population was between the ages of 15 and 18, less than a quarter of what it was in 1999. All youths were housed in separate prison cells from adults; the youths were on a different schedule for mealtime and recreational activities.

In August Casa Alianza and the Human Rights Ombudsman's Office published a survey of 85 underaged detainees throughout the penal system. According to the survey, the police did not inform over 21 percent of the respondents why they were being detained at the time of their arrest, the police mistreated 47 percent, and 48 percent said that they were detained 3 days or more before seeing a judge. Fully half said they were not aware of being assigned a defense attorney, and 24 percent said they were incarcerated with adults. The Director of Prison Systems maintained that children were held in separate cells and that their rights generally were respected.

In September Casa Alianza and the Center for Justice and International Law presented a complaint to the Inter-American Human Rights Commission regarding the 1999 suicide of 16-year-old Wilmer Gonzalez Rojas inside the adult jail in Tipitapa. The IACHR had not decided whether to accept the case by year's end.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention by the police remained a problem. The Police Functions Law requires police to obtain a warrant prior to detaining a suspect and to notify family members of the detainee's whereabouts within 24 hours. Compliance with this law increased significantly since 1999, largely due to pressure from the Police Internal Affairs office and support for compliance from the Chief of Police. Detainees do not have the right to an attorney until they have been charged formally with a crime. Local human rights groups were critical of the law for providing inadequate judicial oversight of police arrests.

Police may hold a suspect legally for 48 hours before they must bring the person before a judge to decide if charges should be brought. The judge then either must order the accused released or transferred to jail. Although cumbersome, this law was observed more closely than in the past, and few prisoners were held illegally beyond the 48-hour deadline (*see* Section 1.c.). The number of prisoners who spent 6 months or more incarcerated without a trial increased significantly. In 2000, the Criminal Chamber of the CSJ ordered all local magistrates to give priority to those cases involving pretrial prisoners with 6 months or more of incarceration. However, according to government statistics, 10 percent of 5,624 prisoners had been in jail for 6 months or longer without a trial, up from 2 percent in 2001 and 4 percent in 2000. Statistics from the Department of Prisons indicated that 26 percent of all prisoners being held were awaiting final verdicts. Exile is not practiced. There were no reports of political violence against any citizens returning from civil war era self-imposed exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary was susceptible to corruption and political influence. The judiciary was hampered by arcane legal codes, prosecutors who played a passive role, an underfunded and understaffed Public Defender's Office, judges and lawyers who often lacked sufficient training or education, and corruption. Many judges did not have previous experience as lawyers. Judges' political sympathies, acceptance of bribes, or influence from political leaders reportedly often influenced judicial actions and findings.

The judicial system comprises both civil and military courts. The 16-member Supreme Court is the system's highest court, and in addition to administering the judicial system, is responsible for nominating all appellate and lower court judges. The Court is divided into specialized chambers on administrative, criminal, constitutional, and civil matters. Under the Law of the Child and Family, which took effect in 1998, the Attorney General's Office rather than the police investigate crimes committed by and against juveniles. The 1994 military code requires the civilian court system to try members of the military charged with common crimes. A 5-year administration of justice reform program, begun in 1997, achieved a number of its objectives, including a Judicial Organic Law and a new Criminal Procedures Code;

however, the revision of the country's outdated Penal Code remained bottled up in the National Assembly. The 1999 Judicial Organic Law contained a provision that established minimum professional standards for judicial appointees. However, a Judicial Career law to establish a more professional and independent judiciary remained in the National Assembly for consideration and action at year's end. In December, the 2001 Criminal Procedures Code entered into effect. It will alter significantly the way that trials are held. Instead of the Napoleonic trial system that emphasizes the role of magistrates and written evidence, the new system will be an adversarial-style system that allows oral arguments from both the defense and the prosecution. The Assembly began the process to approve a new Penal Code in 2000; however, an extended political dispute between the administration and the Assembly delayed the legislation. Nonetheless, in June the Penal Code was modified to include certain economic crimes, including illegal enrichment. In 1999 the National Assembly approved a reform of the Public Ministry that streamlined the judicial process by separating the defense and the prosecutorial functions. Specifically, the reform transferred powers from the Attorney General's Office (Procuraduria) to a newly created Prosecutor General's Office (Fiscalia), which is charged with prosecuting criminal cases. In November 2001, the National Assembly elected Julio Centeno Gomez to the new position of Fiscal General. The Procuraduria continued to have the responsibility to defend the Government against legal action taken by private or other public actors. In addition, the Procuraduria was empowered to prosecute criminally persons when the state has been aggrieved; for example, the misappropriation of government funds by public officials. In 2000 the Government opened new property tribunals to handle cases concerning seized properties. In November, the CSJ consolidated these tribunals into a single tribunal due to budgetary concerns (*see* Section 1.f.). The civil and criminal courts continued to expedite the judicial process for those in prison without a prior court hearing; however, the number of suspects in prison awaiting trial increased. Human rights and lawyers' groups in general continued to complain about the delay of justice, sometimes for years, caused by judicial inaction.

Judges appeared susceptible to corruption and political influence. The shelving of politically charged cases or rulings in favor of the politically connected party remained the most common manifestations of judicial corruption. The Supreme Court's campaign to reduce incompetence and corruption in the judiciary slowed during the year. Since the campaign began in 1997, the CSJ has removed a total of 105 judges—more than one-third of the 300 judges in the system; however, only one judge was removed during the year.

In criminal cases, the accused has the right to legal counsel, and defendants are presumed innocent until proven guilty. The Judicial Organic Law provided for the establishment of a Public Defender's Office to represent indigent defendants. The office in Managua maintained a staff of 13 appointed public defenders throughout the year; however, more were needed. The court requested funding for 26 additional public defenders to be located outside of Managua, but only one of these requests was approved for Ciudad Dario. Elsewhere in the country where public defenders were not available, the system in effect before the passage of the Judicial Organic law continued in use. Under that system, the presiding judge appointed attorneys from a standard list to represent indigent defendants; however, many attorneys paid a fine of about $7.00 (100 cordobas) rather than represent such clients because the State did not pay for attorneys for the indigent.

According to press accounts, the number of indigent defendants who went to trial without an attorney to represent them decreased, despite difficulties in fully implementing the provisions of the Judicial Organic law. However, high-ranking officials in the Public Defender's Office complained that they continued to find judges willing to sentence defendants without the presence of a public defender. Until the end of the year, the country used the Napoleonic legal system. Police had to present a detained suspect before a judge within 48 hours, who had to hold a preliminary hearing within 10 days. These constitutionally mandated deadlines were usually observed. If a judge ruled the suspect was provisionally guilty at the preliminary hearing, the suspect was sent to trial. While awaiting and undergoing trial, suspects were often held in custody. The trial consisted of hearings held by the judge to investigate the matter further, followed by a review of the written record of the hearings by a 5-member jury, which would issue a final decision. Very simple cases or those with high profile or outside interest could be resolved quickly, but others languished for months. Although the legal limit for resolution is 6 months, 560 suspects were held without trial for longer periods, according to the CSJ. On December 24, an entirely different system of prosecuting criminal cases entered into effect. The new penal process is more adversarial and transparent and relies more on the initiative of prosecutors and less on the initiative of judges and magistrates to file

charges. It prescribes an arraignment at which a judge decides whether to send the case to trial or dismiss it. Once the case reaches trial, the judge takes a neutral presiding role, and both sides present oral arguments to a jury. The new system will be applied initially to the most serious offenses. By December 2003, the new system will apply to all criminal cases. The new system offers greater transparency by allowing the accused greater access to the process. However, its implementation could cause more trial delays as the judicial system adjusts to a radically different process, including potentially serious staffing shortfalls for prosecutors and public defenders, since they, rather than judges, take the lead in conducting trials under the new system. The country still lacks an effective civil law system. Many criminal cases are really civil disputes. Often the effect of a criminal proceeding in these matters is to force one party to concede to the party with more influence over the judge rather than face the prospect of detention in jail. In addition, this civil-based criminal caseload diverts resources from an overburdened Public Prosecutor's Office that otherwise could be directed toward genuine criminal matters. There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for protection against these abuses, and the Government generally respected these provisions in practice. The Constitution stipulates that all persons have the right to privacy of their family and to the inviolability of their home, correspondence, and communications; requires warrants for searches of private homes; and excludes from legal proceedings illegally seized letters, documents, and private papers. The 1979–91 Sandinista regime expropriated nearly 20,000 properties from Somoza regime officials and thousands of others, including those who remained out of the country for more than 6 months. These property confiscations are considered legal, as are subsequent transfers of the property to third parties, as long as the confiscations were conducted according to the law in effect at the time of confiscation. The law provides claimants to confiscated property two methods of resolution. An administrative claim process allows compensation with long-term low-interest government bonds or, in a few cases, return of the property or land swaps. Bond compensation generally is unattractive to claimants, since it is based on the property's taxable value rather than market value, and makes no provision for lost profits or interest due since the date of confiscation. Furthermore, compensation is paid in 15-year bonds with below-market interest rates. As of mid-year, newly issued bonds of this type sold at 37 percent of face value. Press reports indicated that at the end of June, a total of 7,488 persons had resolved their property cases. In 2000 the Government established five Property Appeals Tribunals that have procedures including mediation, binding arbitration, and expedited trials. As of August, the tribunals reported that 338 cases had been filed. Of these, 184 had passed through the mediation process, 62 (18 percent) of which were settled through mediated agreements. When mediation was not successful, the cases were moved on to arbitration or were returned to district courts for expedited trials. As of July, 44 cases had gone to arbitration; however, none had completed that stage. In November, the CSJ consolidated all 5 tribunals into a single tribunal due to budgetary concerns. The tribunals receive property cases passed to them by the regular courts and, upon conclusion of mediation or arbitration, return the final decision to the appropriate regular court, which issues a court order containing the terms of the final mediation or arbitration results. Most confiscated property claimants using the judicial system do not elect arbitration because the arbitrators are costly. Therefore, most cases not successfully mediated return to district courts for trial. The tribunals appear to be biased in favor of the current occupants of confiscated properties, even when they did not obtain the properties in accordance with Sandinista laws. These tribunals, like the judicial system as a whole, appeared to be subject to political and personal manipulation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. However, several constitutional provisions potentially qualify freedom of the press. The 1987 Constitution stipulates that citizens have the right to accurate information, thereby providing an exception by which the freedom to publish information that the Government deems inaccurate could be abridged. Although the right to information cannot be subject to censorship, the law establishes a retroactive liability, defined as a social responsibility, implying the potential for sanctions against the press. Although the legislature did not modify these provisions in the 1995 constitutional reforms, the Government did not invoke these provisions to suppress the media. In March 2001, the National Assembly unanimously approved a law proposing a professional journalists' guild. The journalistic community was divided

sharply over whether such a law would improve the quality of journalism or merely restrict freedom of speech and of the press. The vagueness of language concerning the Government's role in establishing and regulating journalists' salaries, and its possible role in governing a professional journalists' association—and thereby journalism itself in the country—remained a concern to many observers. The law was to take effect with stipulations that formation of the guild occur within 3 months. However, the commission that would structure the journalists' guild had not been established by year's end due to conflicts between rival journalist associations whose members were to be grandfathered into the guild. Consequently, the law had no practical consequence during the year.

The privately owned print media, the broadcast media, and academic circles freely and openly discussed diverse viewpoints in public discourse without government interference. News media covered a series of scandals and allegations of government corruption very openly and without restriction. However, in October the Government closed down radio station "La Poderosa," run by supporters of former President Aleman, when it determined that the license held by Coprosa, a Catholic Church-affiliated NGO, was invalid because Coprosa had not completed all of the requirements to register legally as an NGO with the Ministry of government. Other media and some political leaders sharply criticized the closing of La Poderosa while at the same time stressing the need for all media to follow ethical standards and engage in better self-regulation. La Poderosa had broadcast language that sometimes incited attacks on the personal security of President Bolanos and other public officials. The Bolanos administration attempted to standardize the way that governmental advertising funds were allocated to the various media outlets by implementing a system based on market share. This forced some smaller media outlets to close because the media were largely dependent upon government funding, and there was not enough private advertising to support them.

There was one instance of possible media intimidation during the year. In July the police detained Luis Felipe Palacios, a reporter for La Prensa, the country's largest newspaper, to question him regarding a story that alleged that Major General Roberto Calderon, Inspector General of the Army, was involved in trafficking arms and drugs. Accompanied by other La Prensa staff, a police escort took Palacios to the criminal investigation headquarters of the national police. There, investigator Dennis Tinoco allegedly threatened to arrest photographer Manuel Esquivel, who had accompanied the La Prensa group, for taking his picture, and refused to relent until the film was removed from the camera and exposed. Palacios was then interviewed briefly and released. Tinoco maintained that he had ordered the police interview to pursue any legitimate leads into criminal acts alleged by the story. The police subsequently closed the case and publicly apologized for the incident after intense criticism from a wide range of media outlets and civil society groups, who viewed the incident as a clear intention to intimidate Palacios into not reporting on a sensitive case involving a senior military officer.

In October Tirso Moreno was arrested and charged with kidnaping and endangerment after he broke into the offices of the newspaper La Prensa, fired shots in the air, and held a dozen staff hostages for several hours. Moreno blamed La Prensa's reporting on corruption during the Aleman administration for the death of Aleman's son earlier in the day. Moreno was provisionally convicted on these charges, but the prosecutor appealed the decision, seeking the more serious charges of assault and attempted homicide. By year's end, there was no decision on this appeal. The Inter-American Press Association condemned the attack on La Prensa.

The news medium with the largest national audience is radio; however, polls show that television is the primary source of news in the cities. There are 174 chartered radio stations in the country, 68 AM stations and 106 FM stations; listeners receive a wide variety of political viewpoints, especially on the 67 stations based in Managua. There are 12 Managua-based television stations, 7 of which carry news programming, some with noticeable partisan political content. In addition, there are 70 cable television franchises that offer services in most large and medium-sized cities.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association The Constitution recognizes the right to peaceful assembly without prior permission, and the Government generally respected this right in practice. However, the Constitution also recognizes the right to public assembly, demonstration, and mobilization in conformity with the law, and the law requires demonstrators to obtain permission for a rally or march by registering its planned size and location with the police. The authorities routinely granted such permission; however, many groups claimed that the process was too cumbersome and chose not to register. The Constitution provides for the right to organize or affiliate with political parties, and the Government generally respected

this right in practice. Opposition and independent associations functioned freely without government interference or restriction. Private associations do not have legal status to conduct private fund raising or receive public financial support until they receive authorization from the National Assembly, which confers it routinely.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government's requirements for legal recognition of a church are similar to its requirements for other private associations (*see* Section 2.b.). A church must apply for "Personeria Juridica" (legal standing), which must be approved by the National Assembly. Following Assembly approval, a church must register with the Ministry of government as an association or a foundation. The Roman Catholic Church is not an official state religion; however, it enjoys a close relationship with the Government. The Roman Catholic Church is the most politically active religious denomination and has significant political influence. Catholic Church leaders routinely meet with senior government officials. The historical position of the Church is such that most religiously affiliated monuments and memorials are related to the Catholic Church. At times there have been allegations that government officials have provided financial assistance to the Catholic Church. However, the predominance of the Catholic Church did not have a negative impact on the religious freedom of other religions.

For a more detailed discussion see the 2002 International Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation The Constitution provides for the right to travel and reside anywhere in the country and to enter and exit the country freely, and the Government generally respected these rights in practice. In 1998 the Government abolished a requirement that citizens and residents obtain an exit visa to leave the country. The right of citizens to return to the country is not established in the Constitution, but in practice the Government did not restrict anyone's return. The Constitution was amended in January 2000 to affirm that citizens cannot be deprived of their citizenship, and that citizenship is not lost by acquiring another citizenship. However, the Constitution retains certain citizenship requirements for high-level government officials, including the provision that they must renounce citizenship of other countries at least 4 years prior to their election or appointment.

In December the CSJ determined that the Government's May 2000 decision to nullify retroactively the citizenship of Jose Antonio Alvarado was unconstitutional, and that Alvarado had never lost his Nicaraguan citizenship. In June 2001, without waiting for a ruling from the CSJ, the CSE had disqualified Alvarado from running as the Vice Presidential candidate in the 2001 national election. This decision was widely portrayed as a political effort by then-President Aleman to block Alvarado's candidacy.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Constitution provides for asylum, and refugees cannot be expelled to the country that persecuted them. The issue of the provision of first asylum did not arise.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National elections were held in November 2001.

The 1995 reforms to the 1987 Constitution established a more equal distribution of power and authority among the four coequal branches of government. The President heads the Executive Branch and a Cabinet appointed by the President, who is both head of state and head of government, as well as supreme chief of the defense and security forces. The Vice President has no constitutionally mandated duties or powers. Both the President and Vice President are elected to 5-year terms by direct popular vote, with the possibility of a runoff election between the top two candidates if one does not obtain at least 35 percent of the vote on the first ballot. The Constitution does not permit the president to hold consecutive terms in office. A single-chamber, 92-member National Assembly exercises legislative power. In 2001 voters elected 90 members, including 20 deputies from nationwide lists and 70 from lists presented in each of the 15 departments and the 2 autonomous regions. Under the constitutional reforms of 2000, the outgoing President and the presidential candidate receiving the second highest number of votes are each given seats in the National Assembly. Members elected concurrently with the President and Vice President in 2001 are scheduled to complete their 5-year terms on January 9,

2007. The Supreme Electoral Council is an independent fourth branch of government. However, the CSE has been seriously undermined by internal political disputes (*see* Section 5). The constitutional reforms of 2000 changed the requirements that a presidential candidate must meet to avoid a second-round runoff election; expanded the Supreme Court from 12 to 16 judges; expanded the CSE from 5 to 7 magistrates; imposed a requirement for a two-thirds majority vote in the assembly, rather than the previous qualified majority vote, to lift the President's immunity from prosecution; and replaced the single comptroller general with a 5-person collegial body charged with investigating allegations of wrongdoing or financial malfeasance by government officials. In addition, a political party loses its legal status if it obtains less than 4 percent of the vote in a general election. Based on this provision, the CSE declared the vast majority of parties ineligible to field candidates in the 2001 general elections—only 3 national parties competed in the elections, compared with over 20 parties in the 1996 elections. In November the CSJ overturned the CSE's exclusion of 29 parties from participation in previous elections as unconstitutional. In November 2001, generally free and fair national elections were held under the auspices of the CSE. Voters elected Enrique Bolanos Geyer of the Liberal Constitutionalist Party as President with 56 percent of the vote; Sandinista candidate Daniel Ortega received 42 percent. In the simultaneous legislative elections, the ruling PLC alliance won 52 deputy seats, the FSLN won 37, and the Conservative Party (PC) won 1 seat. CSE reports indicated that over 90 percent of eligible voters were registered; the CSE also announced that more than 92 percent of eligible voters cast ballots. The FSLN alleged that irregularities in vote counting reduced the number of seats that it received in the Assembly, and the PC stated that the two main parties were trying to exclude it from the Assembly.

In March Judge Gertrudis Arias named former President Aleman in a corruption case involving the diversion of government funds from a state-owned television station, Channel 6, to businesses owned by Aleman, his relatives, and his associates. She did not indict him because he enjoyed immunity from prosecution as a National Assembly Deputy. In August, President Bolanos accused Aleman of diverting over $100 million (1 billion, 400 million cordobas) from government coffers for personal benefit. Judge Juana Mendez named him in the case that was subsequently opened, but could not indict him because of his parliamentary immunity. In December, the National Assembly, by a majority vote, lifted his immunity. Judge Iliana Perez immediately placed him under house arrest for embezzlement and money laundering, and he remained under house arrest at the end of the year.

In September, in what was widely considered a political decision, Judge Mendez named President Bolanos, Vice President Rizo, and about 30 other leaders of the PLC in a campaign finance case. The case involved the alleged misuse of government funds and foreign government donations in the PLC's municipal election campaign in 2000 and its national election campaign in 2001. Requests to lift the immunity of President Bolanos, Vice President Rizo, and several National Assembly Deputies were pending in the National Assembly at year's end.

There are no legal impediments to the participation of women, indigenous people, and other minorities in government and politics. Women served as President and Vice President until January 1997, and a woman served as president of the CSE until January 2000. In addition, 3 of the 16 Supreme Court justices were female until July, when the terms of 5 justices, including one woman, ended. On October 25, the Magistrates of the Supreme Court of Justice (CSJ) elected Alba Luz Ramos as President, the first woman President in the history of the Court. Women held ministerial, vice ministerial, and other senior positions in government; and voters elected 21 women to the National Assembly in November 2001, out of a total of 90 elected members. Women hold approximately 70 percent of the judgeships in the country. Two members of the National Assembly claim indigenous heritage. To ensure participation by indigenous groups, political parties must include on their party tickets a certain percentage of candidates from the various indigenous populations.

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

With some exceptions, human rights groups operated without government interference. The largest group to deal with general issues of human rights was CENIDH. Many other groups focused on a particular area of human rights, such as Casa Alianza which primarily focuses on children's issues, and the Women's Network, which addressed domestic violence and other women's issues. CENIDH continued to conduct human rights workshops at the police training academy, at various police headquarters, and with army units throughout the country. Some military officers received internationally sponsored human rights training.

The Organization of American States (OAS) Technical Cooperation Mission (TCM) focused on the 13 municipalities affected most adversely by the decade-long civil war and worked on conflict resolution, reconciliation, improving local government, and extending legal infrastructure. The TCM and Catholic Relief Services helped maintain more than 200 peace commissions in the northern and central parts of the country, intended to give inhabitants of the area a sustainable means of dispute resolution, a means of monitoring human rights abuses, and a vehicle for expressing their concerns to government authorities. Many of the commissions operated in areas that were without any governmental presence and served as surrogates for absent police and courts. The Government granted legal standing to additional such grassroots organizations during the year. Some peace commission members initially reported that soldiers, rural police, and local residents sometimes misunderstood their efforts at advocacy on behalf of jailed criminals, interpreting them as challenges to law enforcement officials' authority. However, over the past several years, the commissions continued to report increased support from all elements they serve, including law enforcement.

The Human Rights Ombudsman's Office (PPDDH), the autonomous government-financed human rights office, struggled with budget shortfalls and intraoffice discord. A 1995 law created the PPDDH, with the Ombudsman to be elected by the National Assembly; however, it was not until 1999 that the National Assembly elected Benjamin Perez, formerly the head of the Assembly's Human Rights Commission, as the country's first Ombudsman. There also are Special Ombudsmen for Children's Issues, Women's Issues, and Indigenous Affairs. The PPDDH began to investigate actively human rights violations during 2000, and Perez demonstrated his independence from the Aleman administration, pursuing cases even if they contradicted government policies. For example, the PPHHD weighed in heavily against the CSE's decision regarding Jose Antonio Alvarado, which Aleman supported (*see* Section 2.d.). The Aleman administration cut the budget of the Ombudsman's office by nearly 40 percent. As a result of serious government-wide budget constraints, the PPDDH budget has not been restored or increased under the Bolanos administration, and the reduced operating budget has limited the effectiveness of the office and its ability to establish regional offices throughout the country. In July a public dispute between Perez and two of his Special Ombudsmen who wanted to have a greater hand in the direction of the office further undermined the PPDDH. After more than a month of rancorous charges and counter-charges, the three came to what they said was an amicable resolution of the dispute.

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

The Constitution prohibits discrimination on the basis of birth, nationality, political belief, race, gender, language, opinion, national origin, economic condition, or social condition; however, in practice the Government made little or no effort to combat discrimination. Few, if any, discrimination suits or formal complaints were filed with government officials.

Women.—The most prevalent violations of women's rights involved domestic and sexual violence, which were widespread and underreported. The National Police reported that of 41,487 reports filed by women between January and December, including reports filed at the Women's Commissariats through November, more than 19,788 concerned physical or sexual abuse, a 47 percent increase in the number of reported cases from 2001. The 1996 Law against Aggression against Women reformed the Criminal Code to criminalize domestic violence and to provide up to 6 years' imprisonment for those found guilty of such violence. The law also provided for the issuance of restraining orders in cases in which women fear for their safety. The National Police, as well as local human rights groups, confirmed that while police sometimes intervened to prevent domestic violence, they rarely prosecuted perpetrators because victims often refused to press charges. Those cases that actually reached the courts usually resulted in not guilty verdicts due to judicial inexperience with, and lack of legal training related to, proper judicial handling of such violence. In October the National Police Women's Commissariats as well as a number of human rights advocates expressed reservations about the potentially negative impact of the adversarial nature of hearing cases under the new Criminal Procedures Code. Advocates expressed concern that victims of domestic violence could be less likely to bring charges under the new process since the victims, under the new system, have to face their abusers directly and have no assurance the abusers will be jailed. Under the old system, those accused of domestic violence were usually jailed while the judge investigated the case and made a preliminary ruling, a period of up to 10 days. This "cooling-off" period was seen as providing some protection to the victim. Advocates also fear that many judges could put undue pressure on domestic

violence victims to use alternate mediation rather than endure a trial, in which they will face cross-examination.

The Criminal Code provides punishment for sexual abuse and stipulates that any person convicted of physically abusing or raping another person can be sentenced to between 9 months and 4 years in prison. According to statistics from the National Police, the police received 1,308 rape complaints during the year compared to 1,170 reported instances of rape in 2001. Many women are reluctant to report abuse or file charges due to the social stigma attached to victims of rape. The police manage 13 women's commissariats in 13 cities with a total staff of 75 people. Each commissariat is located adjacent to a police station and is supposed to be staffed by six police officers, two social workers, one psychologist, and one lawyer. However, due to a lack of funding, the staff size is often limited to a far smaller number. The commissariats provide both social and legal help to women and mediate spousal conflicts. They also investigate and help to prosecute criminal complaints and refer victims to other governmental and nongovernmental assistance agencies. As of November, the commissariats processed a total of 2,363 cases—1,867 cases of domestic violence and 496 cases of sexual infractions.

In May the Appeals Court denied the appeal by Zoilamerica Narvaez of the December 2001 decision of Judge Juana Mendez to drop sexual molestation, harassment, and rape charges against Daniel Ortega on the grounds that the 5-year statute of limitations had expired. The case was before the Supreme Court at year's end. On March 4, the IACHR held a hearing on the Narvaez case, focusing on the issue of whether the Government had denied Narvaez due process. The Government subsequently expressed its willingness to accept an "amicable solution" to the dispute, discussions on which were underway at year's end. Prostitution is legal and common. According to a number of sources, including the Director of Police Criminal Investigations, Julio Gonzalez, and the Director of Police Economic Investigations, Carlos Bandana, prostitutes in the country work without a pimp, since prostitution is legal but pimping is not. Statistics from the Women's Commissariats showed only three cases of pimping for the year throughout the country. A number of studies supported this, including an intensive diagnostic done during the year by the University of Central America in the tourist city of Granada, in which all the underaged prostitutes interviewed told the researchers that they operated on their own. In Managua most prostitutes work on the streets, clandestinely in nightclubs and bars, or offer sexual services in massage parlors. In towns along the Pan American Highway, women and girls sell sexual services to truck drivers and other travelers, who are often foreigners driving north from Costa Rica. In port cities such as Corinto, the primary clientele are sailors. Corinto is unusual in that prostitutes receive medical examinations and a card certifying that they are free of disease. In addition, prostitutes in Corinto reportedly often work together to maintain a rudimentary price-setting structure that enabled them to earn much more than they would in other areas. However, in most areas, prostitutes do not have access to medical screening or treatment.

There were credible reports of isolated cases of the trafficking of women for prostitution (*see* Section 6.f.). The law prohibits sexual harassment in the workplace; however, it continued to be a problem.

Although the Constitution provides for equality between the sexes, discrimination against women persisted. According to a poll released in April 2000 by the Nicaraguan Women's Institute in conjunction with the Government, women comprised approximately 61 percent of the public sector labor force, a number much larger than in the private sector. It also showed that even with comparable educational backgrounds, salaries for male and female workers differed significantly, with men sometimes making twice as much as women in the same positions. Even with similar qualifications, men advanced more quickly than women. Women constitute the majority of workers in the traditionally low-paid education and health service sectors. According to a 1998 "Nicaraguan Survey on Demographics and Health" by the National Statistical Institute, women have equal or somewhat better access to education than men, especially in urban areas. Women are generally underpaid, but the majority of women have some type of employment. An October 2001 International Labor Organization (ILO) study concluded that of the 561,000 employed women, 184,000 were self-employed and 377,000 were salaried workers. More than 92 percent of women capable of employment have some type of job.

There are many NGO and government programs that target discrimination against women, mostly by analyzing the status of women in the workplace. For example, the Program for Reform and Modernization of the Public Sector, directed by the Vice President, was formed in 1998 in an attempt to publicize issues of gender discrimination by collecting statistics on salary differences and hiring techniques in the public sector. The initiative produced a number of publications on the subject

of women in the workplace, including an extensive study in 2000 of women working in the public sector and a manual distributed to managers in the public sector during the year that outlined procedures to prevent gender discrimination in the workplace.

Children.—The Government publicly expressed its commitment to children's human rights and welfare; however, government-wide budget constraints prevented it from providing adequate funding levels to children's programs or primary education. A constitutional provision known as the 6 percent rule automatically allots 6 percent of the annual budget to a higher education consortium, often at the expense of funding for primary and secondary education programs. Children 15 years of age and younger made up approximately 39 percent of the population. Education is compulsory through the sixth grade, but this provision is not enforced, and 20 percent of the population was classified as illiterate. According to census figures from 2001, primary school enrollment rates for boys and girls were estimated at 75 and 80 percent respectively, up from 73 and 75 percent in 1995. However, secondary school enrollment rates dropped to 35 and 45 percent from 1995 levels of 39 and 47 percent. Juvenile offenders under the age of 17 comprise less than one percent of offenders incarcerated. This low figure is largely attributed to the leniency given to juvenile offenders by the Children's Code, which rarely gives jail time to juveniles. During the year, 47 minors died as a result of violent crime. During the same period, victims of rape included 277 children under the age of 13 and 658 between the ages of 13 and 17. There were an estimated 1,216 reported cases of child abuse (physical and psychological), 314 cases of child kidnaping, and 100 children who disappeared. The national police estimated that about 63 percent of sexual abuse victims were under the age of 18, and that 36 percent were younger than 13. A study by the University of Leon indicated that 27 percent of girls and 20 percent of boys experienced sexual abuse. According to a Ministry of Labor study, over 676,000 children are at-risk and exposed daily to violence, abuse, exploitation, and neglect. According to UNICEF, this number is expected to increase because the population of children under the age of 5 years who live on the streets is growing.

According to local media and the Ministry of the Family, the incidence of child prostitution increased, especially in Managua, and near border cities and ports (*see* Section 6.f.).

The Child and Family Law provides that juvenile prisoners can no longer be held in adult facilities or for more than 24 hours without being charged (*see* Section 1.c.). Child labor is a problem (*see* Section 6.d.).

Persons with Disabilities.—In 1998 the Ministry of Health created a National Council for Rehabilitation to address the needs of the 600,000 citizens with some type of disability, only 3 percent of whom received medical treatment. Through its clinics and hospitals, the Government provides care to war veterans and other disabled persons, but the quality of care is generally poor. However, with assistance from international NGOs, foreign governments, and the public health care system, the Government has procured thousands of prostheses and other medical equipment for veterans and former resistance members. Despite some efforts, the Government's past role in helping the disabled is minimal and often has been criticized. It has not legislated or otherwise mandated accessibility to buildings for the disabled. In the spring of 2000, the Ministry of the Family announced that it would cut a considerable amount of financial support for the Blue Bird Protection Association that sheltered about 100 persons with disabilities, aged from 10 months to 40 years old, who are considered unable to care for themselves. Although the Ministry had agreed to cover a significant percentage of the Association's budget, its failure to do so forced the Association's employees to go without pay, and resulted in a significant decrease in medicinal, clothing, and food supplies. Many organizations that help the disabled called for the Government to focus more attention on the needs and interests of persons with disabilities; however, the Government did not restore funding for the shelter. The Blue Bird Protection Association continued to operate the shelter with funds from private organizations, which hold an annual telethon to help raise funds.

The 1995 Law to Protect Disabled People states that companies are obligated to contract persons with disabilities, that such disabilities cannot affect their salaries, and that they must be considered equal to other workers. However, representatives of the Danish Association of Disability noted that this law rarely is put into practice. This organization implemented a program called Prodinic, with the objective of strengthening the country's disabled associations by assisting 20 different groups in Managua, Masaya, Leon, Juigalpa, and Esteli. This group is lobbying for easier access to transportation and travel for the disabled throughout the country.

Indigenous Persons.—Indigenous people constitute approximately 5 percent of the country's population and live primarily in the Northern Autonomous Atlantic Region (RAAN) and Southern Autonomous Atlantic Region (RAAS). The RAAN and the RAAS, which were created in 1987 out of the former department of Zelaya and which border the Caribbean Sea, constitute 47 percent of the national territory, but only 12 percent of the population. Based on 1998 information from the Center for Investigation and Documentation of the Atlantic Coast and other sources, the 4 major identifiable indigenous groups are the Miskito (with approximately 100,000 members), the Sumo (10,000), the Garifuna (3,000), and the Rama (1,000). The indigenous people of the RAAN, primarily the Miskito and the Sumo, have a political party known as Yatama, which has representation in regional and municipal councils. In 2000 the CSE ruled that the Yatama political party did not meet the qualifications to participate in the November 2000 municipal elections; however, it reversed its decision following the election after a high rate of abstentions in Yatama-dominated areas and threats of violence by Yatama supporters. Yatama was allowed to run departmental candidates for the National Assembly in the November 2001 national elections (*see* Section 3).

In March the CSE held sparsely attended elections for the RAAN and RAAS Regional Councils. The Regional Councils, created by the 1987 Law of Autonomy, are delegated limited authority to administer the economic, environmental, and cultural resources of the Atlantic Coastal Regions and to represent the political interests of the indigenous populations before central government institutions. The Councils are each composed of 45 elected members plus the region's delegation to the National Assembly; in the RAAN there are three Assembly Delegates, in the RAAS, two. Thus the RAAN Council has a total of 48 members, the RAAS, 47. The Regional Councils met in May, as required by law, to select their respective governors and executive councils to oversee the day-to-day administration of the regions. The CSE, which has a PLC majority, refused to recognize these elections, which resulted in executive councils and governors that did not favor the ruling PLC. The delay continued for nearly 4 months in the RAAN and 9 months in the RAAS, leaving the Autonomous Regions without a regional government during this time. In the RAAN, Yatama became the power broker when neither of the national political parties managed to gain an outright majority in the 48-member Regional Council. Yatama formed a coalition with the FSLN and in May elected an executive council and governor in a raucous election in which the PLC-affiliated CSE magistrates and the PLC Regional Council Members refused to participate. The CSJ ruled that the CSE had to reconvene the Regional Council, hold a new election for the Executive Council, and properly certify the election, which it finally did at the end of June. In the RAAS, the PLC held a substantial majority of the 47-member Regional Council; however, because of technical irregularities with the CSE's administration of the election, the CSJ once again ruled that the Regional Council had to reelect the Regional Governor and Executive Council. A critical number of PLC Regional Council members refused to back their party's candidates for governor and executive council, leaving no majority in place. Maverick PLC members eventually formed a majority coalition with the FSLN and elected their own slate of regional officials. However, the election could not be certified because no one had been elected to replace the CSE President, Roberto Rivas, whose term had expired in July.

Without any authorities in place to administer them, many regional and municipal projects in the RAAN and the RAAS were suspended, although the problem became more acute in the RAAS, where the uncertainty continued longer. The RAAS had no one with the authority to negotiate for funds from the national government or foreign donors, and government salaries could not be paid. This furthered public perceptions of central government neglect, and led to threats of violence and the takeover of public facilities by frustrated citizens.

The 1987 Autonomy Law requires the Government to consult indigenous people regarding the exploitation of their areas' resources; however, indigenous people claim that the central government often made decisions without adequate community consultation. For example, in July the central government decided to announce its intention to solicit bids for oil and gas exploration off the Atlantic coast without consulting with either regional leaders or communities.

In August 2001, the IACHR determined that the Government violated the human rights of the Awas Tingni (Sumo) Community by granting 30-year logging licenses to foreign companies on nearly 153.2 thousand acres of Sumo ancestral lands without consulting the Sumo. The Commission ruled that the country's legal protections for indigenous lands were "illusory and ineffective" and ordered the Government to establish new legal mechanisms to demarcate the traditional lands of all indigenous communities in the country within 15 months. The Commission also ordered the Government to pay $30,000 (420,000 cordobas) to the Sumo and to invest $50,000

(700 thousand cordobas) in projects beneficial to the Sumo. Pursuant to the IACHR's decision, the Government paid the $30,000 and said it was committed to funding more than $50,000 in Sumo community projects. The Ministry of Agriculture, the Office of Property Affairs in the Ministry of Finance, the regional authorities on the Atlantic Coast, and the Special Ombudsman for Indigenous Affairs formed a commission that proposed a number of legal changes and mechanisms to the National Assembly, including the clear demarcation and protection of indigenous lands. This legislation was voted into law in December, meeting the IACHR deadline, although there were serious reservations about how it would be implemented.

As in previous years, some indigenous groups complained that central government authorities excluded the indigenous people of the Atlantic coast from meaningful participation in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. A few residents of the RAAN threatened to take up arms to fight for independence from Managua if their needs were not addressed, but there is little concern that these isolated statements represent a threat by the indigenous communities.

On April 8, unknown persons shot and killed Francisco Jose Garcia Valle, husband of Dr. Maria Acosta, a lawyer for indigenous rights in the Atlantic Coast known for her work fighting the controversial sale by a private individual of the Pearl Cays off the coast. Garcia was a professor at a local university but not involved with his wife's political work. The circumstances surrounding his death sparked suspicions that it was a politically motivated murder by Acosta's opponents. The police investigating the crime later determined that three tenants of the family's rental apartment committed the homicide, and that robbery had not been a motive. Press reports indicated that at least one of the suspected killers, Ivan Rivera, was employed as a chauffeur and security guard by the Pearl Cays' realtor, who was suspected to be the intellectual author of the crime. A judge issued an arrest warrant against Rivera but absolved the realtor. The police reportedly matched the 25-caliber murder weapon to one registered to the realtor, who alleged that the police falsified the ballistics report. By year's end, the police had not yet captured Rivera, but did arrest one of his suspected accomplices, who confirmed that Rivera led that group and committed the murder.

Government health care exists in the Atlantic Coast towns of Puerto Cabezas, Siuna, and Bluefields, but a majority of indigenous people in rural areas had no access to modern health care. Critics of government policy cited extremely high unemployment rates among the indigenous, but calculation of reliable employment statistics was complicated because most of the working indigenous population on the Atlantic Coast is engaged in subsistence fishing, farming, and mining.

National/Racial/Ethnic Minorities.—Most citizens are of mixed background, and ethnicity is not a barrier to political or economic success. However, various indigenous and ethnic groups from both the RAAN and the RAAS sometimes linked the Government's lack of resources devoted to the Atlantic Coast to ethnic, racial, and religious minorities that predominate in that region. In contrast with the rest of the country, the region's racial makeup tends to be black and Amerindian, while its religious makeup is principally composed of various Protestant denominations.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers to organize voluntarily in unions, and the Labor Code that entered into effect in 1996 reaffirmed this right. The ILO has criticized various provisions in the Labor Code that remain below international standards. All public and private sector workers, except those in the military and the police, may form and join unions of their own choosing, and they exercise this right extensively. The Labor Code permits the existence of more than one union, representing the same group of workers, at any place of employment. To become a union, a group of at least 20 persons must petition the Ministry of Labor for legal status and the right to engage in collective bargaining (*see* Section 6.b.). The Labor Code legally recognizes cooperatives, into which many transportation and agricultural workers are organized. Representatives of most organized labor groups criticize these cooperatives, and assert that they do not permit strikes; have inadequate grievance procedures; are meant to displace genuine, independent trade unions; and are dominated by employers. According to the Ministry of Labor, approximately 15 percent of the work force is unionized. Unions are independent of the Government, although most are affiliated with political parties to varying degrees.

The Labor Code provides protected status to union leaders, requiring that companies receive permission from the Ministry of Labor after having shown just cause to fire union executive board members. Such protection is limited to nine individuals per union. However, the Labor Code allows businesses to fire any employee, includ-

ing union organizers, provided the business pays the employee double the normal severance pay. Business leaders sometimes use this practice to stymie unionization attempts. Unions freely form or join federations or confederations and affiliate with and participate in international bodies.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to bargain collectively, and the 1996 Labor Code reaffirmed this right. The Government generally sought to foster resolution of pressing labor conflicts (usually in the public sector) through informal negotiations rather than through formal administrative or judicial processes. According to the 1996 Code, companies engaged in disputes with employees must negotiate with the employees' union if the employees are thus organized. However, the possible existence of more than one union at any place of employment means that several unions, each with different demands, can coexist at any one enterprise. Similarly, management may sign collective bargaining agreements with each union. The Constitution recognizes the right to strike; however, legal strikes are rare. The Labor Code requires a majority vote of all the workers in an enterprise to call a strike. The Labor Code requires that before a union may strike, it must first receive approval from the Labor Ministry. To obtain approval, the union must go through a process that requires good faith negotiation with management. The Labor Ministry asserts that it would take approximately 6 months for a union to go through the entire process to be permitted to have a legal strike. Observers contend that the process is inappropriately lengthy and so complex that there have been only three legal strikes since the 1996 Labor Code came into effect; however, there have been several illegal strikes.

The Labor Code prohibits retribution against strikers and union leaders for legal strikes. However, this protection may be withdrawn in the case of an illegal strike. Workers involved in illegal strikes often lose their jobs. There were several allegations of violations of the right to organize. The Ministry of Labor investigated these allegations and concluded that employers acted within the law, taking advantage of the extensive administrative requirements necessary to declare a strike legal. Notwithstanding the legality of employer actions, the result was to weaken significantly an important union in the free trade zone (FTZ), the Sandinista Workers Central (CST). In the last few years, though not during the year, the CST declared several strikes without first exhausting the very lengthy and complex administrative process of getting the required majority of the workers. Consequently, the Ministry of Labor consistently ruled the strikes illegal. Employers then fired the striking workers based on the Ministry's ruling. In essence, employers took advantage of the extensive administrative requirements required to declare a strike legal and the CST's failure to follow the prescribed rules. The 2001 appeal by the textile firm Mil Colores of a judge's order reinstating Juan Carlos Smith Flores was pending at year's end.

On October 11, 2001, the CST workers elected Maria Elia Martinez Rivas as union Secretary General. To comply with the 20-member requirement and avoid being decertified, the CST union enlisted new members. On February 8, Mil Colores fired Rivas who claimed that she did not infringe on any regulations and had never received a reprimand. Rivas, with the aid of the CST, took the issue to court and alleged that, by impeding the workers' right to organize, Mil Colores violated the Constitution, laws, human rights, and international agreements ratified by the country. Her case was pending at year's end.

Other than the Mil Colores incident, there were no other significant labor disputes during the year.

There are 39 enterprises operating in the Government-run FTZ, employing approximately 25,000 workers. Labor laws apply equally in the FTZs, except for the minimum wage which varies by industry. In addition, there are 5 authorized private FTZs; the 11 enterprises in these zones employ some 17,000 workers, for a total of 42,000 workers in all FTZs. Approximately half the workers in the Government-run FTZ are represented by a union organization; however, only about 10 percent of them are actual union members. While some of these unions have real collective bargaining power, others are primarily symbolic. The Ministry of Labor reports that there were eight collective bargaining agreements in effect in the FTZs and five in the negotiation process. Union organizing efforts have encountered strong employer opposition in the FTZs.

In response to longstanding complaints by union representatives that the Ministry of Labor poorly enforced the Labor Code in the FTZs, in 1997 the Ministry opened an office in the Managua FTZ to ensure that the code was being enforced. FTZ officials claim that, due to memories of the corrupt and ineffective unions of the 1980s, many workers in the FTZ enterprises simply have no interest in unionizing. They also claim that wages and working conditions in FTZ enterprises are better than the national average. For example, some FTZ enterprises assert that they pay

wages that average over $192 (2,400 cordobas) per month, almost three times the minimum wage.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor but does not specifically address forced or bonded labor by children, and such practices occur. The Ministry of Labor continued to report that some children were forced to beg by their parents, and that some were rented by their parents to organizers of child beggars (*see* Sections 6.d. and 6.f.).

In December, Hansae S.A, a Korean garment factory in the Free Trade Zone, violated the overtime provisions of the Nicaraguan labor code. Whereas the code permits overtime of no more than 3 hours per day and no more than 9 hours per week, labor unions and the Ministry of Labor charged, and Hansae officials admitted, that some employees at Hansae were working far in excess of the permitted number of hours. In some cases, employees were required to stay overnight, making for a 24-hour workday, two or three times a month. Hansae officials explained that the practice was recent and that it was due to unusually high demand for their products. The Hansae General Manager promised to discontinue the practice. According to union officials, the violation did not recur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution provides for the protection of children's rights and prohibits child labor that can affect normal childhood development or interfere with the obligatory school year; however, child labor is a problem. Comprehensive labor legislation protects children up to the age of 18. The Constitution also provides protection from any type of economic or social exploitation. The law prohibits child labor in areas such as mines and garbage dumps and imposes heavy fines for illegal employment. The 1996 Labor Code raised the age at which children may begin working with parental permission from 12 to 14 years. Parental permission to work also is required for 15- and 16-year-olds. The law limits the workday for such children to 6 hours and prohibits night work. However, because of the economic needs of many families, a cultural legacy of child work among peasants, and lack of effective government enforcement mechanisms, child labor rules rarely are enforced except in the small formal sector of the economy.

There are no reliable figures regarding the number of working children, but the Government reports that child labor occurs in both urban and rural areas. The Ministry of Labor estimates that approximately 300,000 children are employed; CENIDH estimates that there are approximately 322,000 working children. Over 148,000 children are employed in rural areas at coffee, tobacco, rice, and banana plantations. In Managua over 6,000 children work on city streets, selling merchandise, cleaning automobile windows, or begging. According to a 1998 UNICEF report, approximately 42 percent of children between the ages of 6 and 9 work. A 1996 study by the National Commission against Child Labor concluded that over 161,000 children between 10 and 19 years of age worked, including approximately 109,000 employed in rural areas on coffee, tobacco, rice, and banana plantations. The study found that 6,219 children worked in urban areas as beggars, self-employed car washers, or parking attendants. The Ministry of Labor continues to report that some children were forced to beg by their parents, and that some were rented by their parents to organizers of child beggars. Child prostitution is a serious problem (*see* Section 6.f.).

The Ministry of Labor established an inspection unit to monitor occupational safety and health in the agricultural sector, signed agreements with nightclubs and restaurant owners who pledged to comply with labor laws and issued a resolution in 1999 prohibiting employment of minors specifically in the FTZs. The Ministry of Family sponsors several programs that target working minors. These programs, which cover up to 10,000 children nationwide, include childcare services, return-to-school programs, and technical and vocational training. The programs also include training for parents and teachers. The Ministry of the Family, in conjunction with the Ministry of Education, established a program—known as the Traffic Light Plan—to keep 647 children off city intersections where they wash windshields, sell fruit, or beg for money from motorists stopped at red lights. The program provides housing for the 75 percent of these children who are homeless and schooling for the 60 percent who are school dropouts. The Ministry of Family reports that out of 600 children in the Traffic Light Plan, 498 (or 83 percent) returned to school. The remainder returned to the intersections to work.

e. Acceptable Conditions of Work.—The statutory minimum wage is set through tripartite (business, government, and labor) negotiations and must be approved by the National Assembly. A different minimum wage, which must be reviewed every 6 months, applies to each sector of the economy. A new minimum wage scale took effect in April. The majority of workers earn well above the statutory minimum

rates. Ministry of Labor statistics indicated that during the year, the average minimum wage, i.e., the actual minimum wage paid by employers for each sector, was $72 (1,058 cordobas) overall. By sector, the average minimum wage was as follows: agriculture, $45 (661 cordobas plus food); fisheries, $56 (818 cordobas); mining, $137 (1,994 cordobas); industrial manufacture, $74 (1,086 cordobas); electric, gas, and water utilities $117 (1,711 cordobas); construction, $119 (1,740 cordobas); restaurants and hotels, $95 (1,383 cordobas); transportation, $102 (1,495 cordobas); banking, $92 (1,341 cordobas); community and social services, $71 (1,038 cordobas); and central and municipal government (includes health and education employees), $51 (743 cordobas). Even the average minimum wage does not provide a decent standard of living for a worker and family. In every sector, the average minimum wage falls below the Government estimate of what an urban family must spend each month for a basic basket of goods ($141 or 2,065 cordobas).

The Labor Code incorporates the constitutionally mandated 8-hour workday; the standard legal workweek is a maximum of 48 hours, with 1 day of rest weekly. The 1996 code established severance pay at from 1 to 5 months, depending on the duration of employment and the circumstances of firing. However, persons fired for cause may be denied severance pay through a process that requires employers to demonstrate proof of worker misconduct. The code also established an employer's obligation to provide housing to employees who are assigned temporarily to areas beyond commuting distance.

The Labor Code seeks to bring the country into compliance with international standards and norms of workplace hygiene and safety, but the Ministry of Labor's Office of Hygiene and Occupational Security lacks adequate staff and resources to enforce these provisions. The code gives workers the right to remove themselves from dangerous workplace situations without jeopardy to continued employment.

During the year, there were a number of incidents concerning worker injuries that reflected unacceptable conditions of work. On April 12, Jose de Jesus Miranda Perez received second degree burns from a steam press at the Rocedes plant, an FTZ factory. The Ministry of Labor fined the Rocedes plant $667 (10,000 cordobas).

On June 23, Deyson Joel Herrera, age 19, lost part of his finger at the Nien Hsing International plant, located within a FTZ. After completing an accident report, Herrera was taken to the hospital, where the doctor attached what remained of the finger. When Herrera returned to the doctor on June 28 he was told that the health care contract with Nien Hsing International had ended, and that Herrera could no longer receive treatment.

On July 2, Orlin Frank Meza Orozco received second degree burns at the Chentex plant, located within an FTZ. Orozco was taken to the hospital where he received treatment.

In August Ericka Morales, the Rocedes factory supervisor attacked Maria Ramona Beltran Espinoza. Morales struck Espinoza with a metal bar after she inquired about her brother's wages, which she claimed had not been paid. Rocedes then terminated Espinoza's contract. Espinoza went to the Ministry of Labor for aid; however, the Ministry claimed that it could pursue no legal actions, as Espinoza was no longer an employee at the Rocedes plant.

The enactment of a 2001 law aimed at foreign companies prompted the filing of claims on behalf of thousands of banana workers seeking damages for exposure to the pesticide DBCP in the 1970s and 1980s when its use was legal in the country. The Attorney General's Office prepared an advisory opinion that questioned the constitutionality of certain provisions of the law.

f. Trafficking in Persons.—Nicaragua has a statute that specifically prohibits trafficking in persons and assigns a penalty of up to 10 years in prison. While the preconditions for trafficking exist, there is little documented evidence of a substantial trafficking problem within the country; however, there is some limited evidence that the country is a source for trafficking in women and children to other countries for purposes of sexual exploitation. The Government instituted an awareness campaign with border police and immigration officials at entry points to Honduras to identify and question young women who are not accompanied by family members. In addition, the Government formed a 56-member Anti-Trafficking in Persons Unit within the police. According to the Ministry of Labor, strip clubs are inspected several times each year to ensure that there are no underage workers at these clubs.

The law does not make prostitution illegal, though it bans its promotion; however, the Child and Family Law, which took effect in 1998, defines statutory rape as sexual relations with children 13 years old and younger. Therefore, there is no legal prohibition on prostitution by juveniles 14 and older. According to a number of sources, including the Director of Police Criminal Investigations, Julio Gonzalez, and the Director of Police Economic Investigations, Carlos Bandana, prostitutes in the country work without a pimp, since prostitution is legal but pimping is not. Sta-

tistics from the Women's Commissariats showed only three cases of pimping for the year throughout the country. A number of studies support this, including an intensive diagnostic done during the year by the University of Central America in the tourist city of Granada, in which all the under-aged prostitutes interviewed told the researchers that they operated on their own. Although national figures are not available, a study conducted in Managua in 1998 found that 40 percent of the 1,200 prostitutes in the city were under the age of 18. No numbers were available for other cities, but in 1998 UNICEF reported that teenage sexual exploitation had increased in recent years in rural areas, border cities, ports, and in Managua. UNICEF also noted significant growth in prostitution among children between the ages of 12 and 16 in towns where taxi drivers were said to serve as middlemen. OAS personnel in the country also noted an increase in prostitution among girls as young as 10 years of age; in rural areas, their clients are often truck drivers and other travelers, including foreigners, who patronize prostitutes in towns along the Pan American Highway. From December 1998 to May 1999, the Ministry of the Family sponsored an investigation into child prostitution in five municipalities. Of the more than 300 children surveyed, 82 percent reported that they had started engaging in prostitution within the past year. Many of those surveyed said that they engaged in prostitution to buy basic necessities such as food and clothing, or to support a drug habit. A 1999 survey by the NGO Casa Alianza reported that of 520 children, 504 admitted to using drugs, usually glue. There have been cases of adults who exchange sexual favors with street children in return for glue. In 1999 a National Forum against the Sexual and Commercial Exploitation of Children and Adolescents was created to fight for children's rights and bring this issue to the public's attention. During the year, it held a number of public forums on children's issues and trafficking in persons and distributed a number of substantial anti-trafficking publications to the public.

According to press reports, five Nicaraguan women, ages 20–25, were taken to Guatemala by Janeth Esperanza Rivera in May. Rivera promised the women jobs as sales clerks, and a better life in Guatemala. Upon arriving in Guatemala, Rivera sold the women to a group of unidentified men, who locked them up in a room. The women were only allowed out to be prostituted. This continued for 5 days, until 4 of the women escaped and reported the incident to the Guatemalan police. Rivera was captured and a police investigation of her records revealed Rivera had been trafficking women into Guatemala for months. None of the women from the previous trafficking have been located or interviewed.

In October police detained three 17-year-old women near the town of Chinandega traveling to Guatemala. The women were being driven to Guatemala to work in brothels there. Although the women indicated they were not deceived or coerced into going, their travel and work was being facilitated by three alleged traffickers, who were detained by police. The three facilitators were charged with trafficking, but a court in Chinandega acquitted them due to a lack of evidence that trafficking had occurred.

PANAMA

Panama is a representative democracy with an elected executive composed of a president and 2 vice presidents, an elected 71-member unicameral legislature, and an appointed judiciary. In 1999 voters elected President Mireya Moscoso of the Arnulfista party. The Constitution provides for an independent judiciary; however, the judicial system was subject to corruption and political manipulation.

Panama has had no military forces since 1989. The Panamanian Public Forces consisted of the Panamanian National Police (PNP), the National Maritime Service (SMN), the National Air Service (SAN), and the Institutional Protection Service (SPI). A 1994 constitutional amendment formally prohibits the establishment of a permanent military, although it contains a provision for the temporary formation of a "special police force" to protect the borders in case of a "threat of external aggression." The Judicial Technical Police (PTJ), a semiautonomous body with leadership appointed by the Supreme Court, was a separate branch of law enforcement under the Attorney General's Office that performed criminal investigations in support of public prosecutors. The Ministry of government and Justice oversaw the PNP, the SMN, and the SAN; the Ministry of the Presidency supervised the SPI. Police forces responded to civilian authority, had civilian directors, and had internal review procedures to deal with police misconduct. There were occasional reports of abuse by some members of the security forces.

The economy, which uses the U.S. dollar as currency (calling it the Balboa), was based primarily on a well developed services sector that accounted for about 80 per-

cent of gross domestic product (GDP). The country had an estimated population of 2.9 million. GDP growth was negligible for the past 2 years, poverty worsened, and income distribution remained highly skewed, with growing disparities between rich and poor. Unemployment was officially estimated at 13.7 percent; however, private economists believed that it might be several points higher.

The Government generally respected the human rights of its citizens; however, there continued to be serious problems in several areas. Abuse by prison guards, both PNP and civilian, was a recurrent problem of the prison system. Overall prison conditions remained harsh, with periodic outbreaks of internal prison violence. Prolonged pretrial detention was a problem. The judiciary was subject to political manipulation, and the criminal justice system was inefficient and often corrupt. There were complaints that in some cases police failed to follow legal requirements and conducted unauthorized searches and monitored communications. The media were subject to political pressure, libel suits, and punitive action by the Government. Violence against women remained a serious problem. Women held some high positions in government, including the presidency; however, discrimination against women persisted. Discrimination against indigenous people, blacks, and ethnic minorities continued to be a problem. Worker rights were limited in export processing zones. Child labor was a problem. Trafficking in persons was a continuing problem. Panama was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

On July 15, a 13-year-old indigenous Wounaan girl, Aida (or Ayda) Chirimia, in the Darien village of Biroquera, was shot and killed by a single bullet from a 7.62 millimeter machine gun, reportedly within the local national police compound. The PNP reported that the gun fell and went off accidentally; there were no indications of suicide or a self-inflicted accident. No autopsy was performed. When the gun was sent to the PTJ, reportedly the pin had been mashed, making an investigation nearly impossible. At year's end, the PNP was awaiting ballistic test results from the Public Ministry, which was in charge of the overall investigation. Meanwhile, the Wounaan leaders had access to a volunteer lawyers' association.

In August 2001, the bodies of two men were found at the beach of Punta Chame. Their deaths were linked to two off-duty PNP officers who were dismissed and detained. An investigation into the killings, conducted by the Fourth Superior Prosecutor, continued at year's end.

In April the Truth Commission, established by President Moscoso in January 2001 to investigate killings and disappearances believed to have occurred under the 1968–89 military dictatorship, released its final report (*see* Sections 1.b and 4.) Among the cases the Commission investigated was that of an unmarked grave discovered in 1999 on the grounds of a former military base near Panama City that contained the remains of leftist leader Heliodoro Portugal. Three former members of the National Guard—captains Rigoberto Garibaldo, Aquilino Seiro, and Moises Correa—were linked to Portugal's kidnaping and killing. The authorities placed Garibaldo under house arrest, forbade the two others from leaving the country, and reopened the case.

Guerrillas from the terrorist organization Revolutionary Armed Forces of Colombia (FARC) and other Colombian armed groups operated along the border with Colombia and reportedly made occasional deeper incursions into the country. In December a decapitated body was found washed ashore near Jaque, Darien Province. At year's end, the case was under investigation.

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

In August and October 2001, and again in January, a team of foreign forensic anthropologists carried out investigations for the Truth Commission. The team located human remains in numerous locations in five provinces of the country. DNA tests on most of the remains located were underway, but only the remains of Heliodoro Portugal had been positively identified. On December 19, the head of the Truth Commission asked the Attorney General to reopen investigations into four additional disappearances from the late 1960s and early 1970s (*see* Sections 1.a. and 4).

The Hector Gallego Committee for Disappeared Relatives maintained a list of 120 persons who disappeared during the military dictatorships and who remained missing.

FARC guerrillas (and possibly other Colombian armed groups) reportedly engaged in occasional kidnapings of persons along the border with Colombia; they also harassed and raped residents in Darien Province.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the use of measures that could harm the physical, mental, or moral integrity of prisoners or detainees, and the public security forces generally performed in a professional and restrained manner. However, there was at least one reported case of excessive use of force against prison inmates during the year, and abuse by prison guards was an occasional problem. The General Penitentiary Directorate (DGSP) asserted that the problem had been reduced and that only minor incidents occurred.

The law providing the legal basis for the PNP includes specific guidelines for the use of force, including deadly force; requires that police officers respect human rights; and prohibits instigation or tolerance of torture, cruelty, or other inhuman or degrading behavior. Although not all PNP personnel were trained in the use of force, the PNP provided more training during the year.

The PTJ and the PNP have offices of professional responsibility that act as internal affairs organs to hold officers accountable for their actions. Both have staffs of independent investigators as well as administrative authority to open internal investigations. In both organizations, a defined legal process is followed in which, upon completion of the process, the respective director of the PTJ or PNP has the final authority to determine the disposition of each case. The PNP deputy director and secretary general addressed human rights problems that arose in the police force. The offices of professional responsibility were well known in the community, and the rate of complaints remained generally constant in the PTJ office. During the year, the Office of the Human Rights Ombudsman received 62 complaints against the police for abuse of authority (*see* Section 4). Through late December, the PNP Office of Professional Responsibility received 568 complaints, an average of 11 complaints per week, an increase from 10 per week in 2001. The office investigated and closed 179 complaints without action, dismissed 41 cases for lack of sufficient evidence, penalized officers in 59 cases, and dismissed 29 officers for corruption, burglary, or bribery. Penalties included reduction in rank, dismissal, and in severe cases, criminal prosecution.

The PTJ received complaints from the public, and officers could make anonymous complaints of corruption and other problems. By late December, the PTJ Office of Professional Responsibility had conducted 210 investigations, which resulted in the dismissal of 21 agents. The majority of open cases were for mishandling official property such as misplacing guns or radios, and misconduct or improper behavior when off duty.

Corruption among police officers remained a problem. In some cases, PNP and PTJ directors enforced other disciplinary measures against officers with proven involvement in illicit activities; however, both organizations only reacted to egregious abuses, due to a lack of staff, independence, and institutional priority.

During the year, police generally exercised restraint in their treatment of street protesters. In August rioting broke out in Colon for 2 days, and the PNP fired rubber bullets not aimed directly at the protesters (*see* Section 2.b.).

Prison conditions remained harsh and, in some cases, life threatening, due largely to budget constraints. As of December, the prison system, which had an official capacity for 7,348 persons, held 10,529 prisoners. Most prisons were dilapidated and overcrowded, although Nueva Esperanza prison was newly refurbished. Many of the problems within the prisons resulted not only from obvious overcrowding but also from the lack of separation of inmates according to the type or severity of the crime committed. Pretrial detainees shared cells with sentenced prisoners, in part due to lack of space.

Medical care was inadequate, and prisoners sometimes suffered because of the negligence of the guards. Tuberculosis, AIDS, and other communicable diseases were common among the prison population. The European Union funded some legal, medical, and dental staff for prisons, and there was at least one doctor in each major facility. As of December, there were a total of 18 deaths in prisons during the year: 15 from illnesses, 2 from inmate murder, and 1 suicide.

There were some minor improvements in the prison system overall, including more training of civilian prison guards and PNP guards, who received courses on inmates' rights and penitentiary procedures, especially targeted at new officers and custodians. Other improvements included limited Internet access and computer literacy training for the first time in some women's prisons, more opportunities for work and training in prison, and more construction of new facilities.

Abuse by prison guards, both PNP and civilian, was a recurrent problem. Police officials acknowledged that they received and investigated 27 cases during the year; 20 for abuse of authority, and 7 for mistreatment of prisoners.

In November PNP guards reportedly hit and sprayed tear gas on 18 prisoners in the David prison; 2 were sent to the local hospital. Some prisoners then began a limited hunger strike. The Minister of government and Justice ordered an investigation, and the PTJ director said that such events occurred on a regular basis in the prisons. At year's end, the Public Ministry was investigating the incident.

In one high-profile case of guard abuse, 10 members of the PNP were suspended for beating naked prisoners with baseball bats in the (since closed) Modelo prison in 1998; they were convicted and jailed awaiting sentencing at year's end.

The main prisons in Panama City included La Joya (a maximum-security facility), Tinajitas, the Feminine Center (women's prison), and the Juvenile Detention Center. Two additional facilities, La Joyita and El Renacer, held inmates generally accused of less serious crimes.

La Joya, holding most prisoners accused of serious crimes, had a planned capacity of 1,500 but housed 2,278 inmates in December. Gang violence was a problem. Conditions at La Joyita remained problematic, including inmate claims of severe overcrowding, poor sanitation, and abuses by prison custodians against inmates. At year's end, the facility held 2,444 inmates; it was designed to hold 1,770 inmates. Conditions on the island penal colony of Coiba remained harsh and dangerous. The DGSP no longer sent inmates to Coiba and planned to close it; in December the number of inmates had dropped to 52, compared with 114 in 2000. Coiba prisoners suffered from malnutrition and shortages of potable water.

Prison conditions in Colon province also were harsh. Although Nueva Esperanza, a consolidation and update of an older prison in Colon, opened during the year, by December its intended capacity of 800 was already exceeded, as it held 1,222 prisoners. In Nueva Esperanza, both male and female pavilions had separate sections for inmates convicted of administrative felonies, so they were not put together with inmates convicted of violent crimes. The former public prison frequently had no running water or functioning sewage system and failed to provide the most basic health needs, and the DGSP no longer had any inmates there. The PNP still used it for short periods of time when they had a detainee under their responsibility, but transferred persons to Nueva Esperanza prison as soon as possible.

There were prisons of significant size in David and Santiago. Small jails attached to local police stations around the country sometimes housed prisoners for the entire length of their sentence. The authorities frequently did not address cases of abuse and neglect in these provincial jails, due to their low profile in the prison system. Early in the year, the Ombudsman visited La Chorrera prison in Panama province to highlight the extremely delapidated conditions there.

In December 25 prisoners in the Santiago prison in Veraguas province initiated a hunger strike to protest "physical and social mistreatment" by jail authorities, alleging that they did not provide medical care, damaged inmates' personal effects, and made family visits difficult. The penal authorities denied these claims and asserted that these prisoners were treated well, and often had relatives and friends bring in drugs and weapons. At year's end, the matter was under investigation.

The DGSP largely depended on 1,500 PNP officers to supply both internal and perimeter security at all prisons. There were over 250 civilian corrections officers (or "custodians"), but due to insufficient funding, the DGSP was not able to hire new civilian custodians during the year. As a result, regular PNP officers still were used to fill staffing gaps. PNP officers were sometimes untrained for prison duty and found the assignment distasteful, which contributed to tension and abuses within the prison system. The Government sent 30 civilian custodians to a 4-month training program in Colombia. Custodians handled inmates within La Joya, El Renacer, and the central women's prison, which used only female guards. The DGSP did not have authority to discipline prison guards with criminal or civil sanctions; only the PNP disciplinary board could sanction a PNP agent or a custodian.

Throughout the country, conditions at women's prisons and at juvenile detention centers were noticeably better than at adult male prisons. However, female prisoners, especially those in the primary detention area, reportedly suffered from overcrowding, poor medical care, and lack of basic supplies for personal hygiene.

There was one modern juvenile detention center near Panama City; however, several juvenile detention centers throughout the country suffered from inadequate resources to provide for education or adequate supervision of children, many of whom spent the majority of their time in a bare cell.

About 9 percent of prison inmates were foreigners (primarily Colombians), most of whom were serving sentences on drug charges. Although Panama and Colombia had a prisoner exchange treaty, the Government complained that Colombia did not

respond or was very slow to comply with requests to accept prisoners, reportedly due to overcrowded conditions in Colombian prisons.

The law and the Penal Code provide for conditional release programs for inmates charged with minor offenses who have served a substantial part of their sentence; however, this provision was not implemented consistently in practice. A conditional release program was part of the organizational reforms that authorities introduced in 1998. During the year, the DGSP provided conditional release forms to the President for her signature in a more timely manner than in previous years.

The Government generally allowed prison visits by independent human rights observers. However, the authorities arranged appointments ahead of time, and monitors generally spoke to prisoners in the presence of guards or administrators. Prisoners expressed fear of retaliation if they complained. Justicia y Paz, the Catholic Church's human rights monitoring group, brings prison abuses to the attention of the authorities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution stipulates that arrests must be carried out with a warrant issued by the appropriate authorities, and the Government generally respected this provision in practice. Exceptions were permitted when an officer apprehended a person during the commission of a crime, or when an individual interfered with an officer's actions. The Constitution also provides that suspects are to be brought promptly before a judge; however, lack of prompt arraignment remained a problem during the year. The law requires the arresting officer to inform the detainee immediately of the reasons for arrest or detention and of the right to immediate legal counsel, to be provided to the indigent by the State (*see* Section 1.e.). Police arrested and detained children for minor infractions during neighborhood sweeps (*see* Section 5).

The Constitution also provides for judicial review of the legality of detention and mandates the immediate release of any person detained or arrested illegally. The Constitution prohibits police from detaining suspects for more than 24 hours without bringing them before a judge. Under the law, the preliminary investigation phase may last from 8 days to 2 months and the follow-on investigation phase another 2 to 4 months, depending on the number of suspects. The courts frequently granted extensions of time limits, leaving those accused in detention for long periods without having been charged formally. The law permits these extensions; however, many legal authorities (including court officials) criticized judges for excessive use of this measure.

Extended pretrial detention continued to be one of the most serious human rights problems, due in part to the elaborate notification phase in criminal cases. According to government statistics, as of December, 5,821 prisoners were pretrial detainees, or about 55 percent of the prison population. The average period of pretrial custody was 12 months, and pretrial detention in excess of the maximum sentence for the alleged crime was common.

Legal alternatives to prison existed; however, they were not implemented widely. Options such as house arrest were used in some cases involving the elderly or minors but required that the defendants have access to and understanding of their legal options. There was a limited program of work or study in lieu of some sentences.

The Constitution prohibits exile; there were no reports of forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary was susceptible to corruption and outside influence, including manipulation by other branches of government.

The President appoints nine Supreme Court magistrates to 10-year terms, subject to Legislative Assembly ratification. The Supreme Court magistrates appoint appellate (Superior Tribunal) judges, who, in turn, appoint circuit and municipal court judges in their respective jurisdictions. Judicial appointments are supposed to be made under a merit-based system, but the top-down appointment system lent itself to political influence and undue interference by higher-level judges in lower-level cases in which they often had no jurisdiction.

At the local level, mayors appoint administrative judges, or "corregidores," who exercise jurisdiction over minor civil cases and who hold wide powers to arrest and to impose fines or jail sentences of up to 1 year. In the past this system had serious shortcomings: Defendants lacked adequate procedural safeguards; administrative judges outside of Panama City usually were not attorneys; many had not completed secondary education; and some were corrupt. In practice, appeal procedures were nonexistent. The authorities encouraged corregidores to improve their procedures, and the number of local sentences imposed declined from 3,000 to 500 over 3 years. Nonetheless, affluent defendants still tended to pay fines while poorer defendants went to jail, which contributed to prison overcrowding (*see* Section 1.c.).

In 1998 the Inter-American Development Bank loaned the Government $18.9 million to reform the judicial system; the Government contributed another $8.1 million to the program. Intended to improve judicial training, strengthen the investigative capabilities of the Attorney General's office, and reduce the civil courts' backlog of cases, the program was scheduled to continue through 2004.

The Constitution provides that persons charged with crimes have the right to counsel, to be presumed innocent until proven guilty, to refrain from incriminating themselves or close relatives, and to be tried only once for a given offense. If not under pretrial detention, the accused could be present with counsel during the investigative phase of the proceeding. Judges could order the presence of pretrial detainees for the rendering or amplification of statements, or for confronting witnesses. Trials were conducted on the basis of evidence presented by the public prosecutor. Under limited circumstances, the law permits trials without the accused being present. The Constitution and the Criminal Procedure Code provide for trial by jury at the defendant's election, but only in cases where at least one of the charges is murder.

The Constitution obliges the Government to provide public defenders for the indigent. However, many public defenders were appointed late in the investigation, after the prosecutor already had evaluated the bulk of the evidence and decided either to recommend trial or to dismiss the charges. Public defenders' caseloads remained extremely high, averaging some 550 cases per attorney per year. Only 5 new public defenders have been hired since 1992; there were 38 nationwide, with a similar number of assistants. This heavy workload undermined the quality of representation, with many prisoners meeting their public defender for the first time on the day of trial. The inadequate number of public defenders also caused a backlog in trial dates, which also contributed to the problem of prison overcrowding.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home, private papers, and telephonic communications, and the Government generally respected these rights in practice; however, there were complaints that in some cases law enforcement authorities failed to follow legal requirements and conducted unauthorized searches. In an effort to prevent unauthorized searches, the Public Ministry placed a representative, whose job was to approve searches, in each of the PTJ's divisions. The authorities may not enter private residences except with the owner's permission or by written order from the appropriate authority for specific purposes, such as entry to assist the victims of crime or disaster or to conduct lawful health and safety inspections. The authorities may not examine private papers and correspondence, except as properly authorized by competent legal authority and in the presence of the owner, a family member, or two neighbors.

Although the Constitution prohibits all wiretapping, the Government maintained that wiretapping with judicial approval was legal, and that the Attorney General may authorize a wiretap when confronted with probable cause in a serious crime. The law allows the Public Ministry to engage in undercover operations, including "videotaping and recording of conversations and telephonic communications." In November a controversy developed when it was reported that wiretapping took place under presidential authority for alleged national security reasons. The Supreme Court had not issued a final ruling on whether wiretapping was constitutional, but it remained an established practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government sometimes did not respect these rights in practice, and at times the media were subject to political and economic pressure. The Government and public figures made frequent use of libel and "disrespect for authority" laws to confront and attempt to intimidate journalists who allegedly were "irresponsible" or who besmirched the honor of a particular government institution or leader.

There was an active and often adversarial press and a broad range of print and electronic media outlets, including newspapers, radio and television broadcasts, and domestic and foreign cable stations. Five national daily newspapers, 4 commercial television stations, 2 educational television stations, and approximately 100 radio stations provided a broad choice of informational sources; all were privately or institutionally owned except for 1 government-owned television station. The law prohibits newspapers from holding radio and television concessions, and vice versa. While many media outlets took identifiable editorial positions, the media carried a wide variety of political commentaries and other perspectives, both local and foreign. There was a concentration of control of television outlets in the hands of close rel-

atives and associates of former President Perez Balladares, who was a member of the largest opposition party.

Domestic and foreign journalists worked and traveled freely throughout the country. The law requires directors and deputy directors of media outlets to be citizens.

On January 22, a new "transparency law" took effect, providing for the public to obtain information from and about public entities. In June the President issued an executive decree, ostensibly codifying the law, but which severely limited it by imposing new and highly cumbersome regulations for those wishing to acquire public information. Several dozen requests were made under the new law, and most were not honored by the institutions; through October, 45 had been appealed to various courts but only 8 were approved. The Ombudsman and other groups asked that the decree be declared unconstitutional. The Solicitor General opined that it was unlawful and asked for a three-member bench of the Supreme Court to review it, which was underway at year's end.

Under "gag laws" dating from the military dictatorship, the Government has legal authority to prosecute media owners and reporters for criminal libel and calumny. A special executive branch authority had discretionary powers to administer the libel laws, which provided for fines and imprisonment for up to 2 years. Under the statute, opinions, comments, or criticism of government officials acting in their official capacity were exempted specifically from libel prosecution; however, a section of the law allowed for the immediate sanctioning of journalists who showed "disrespect" for the office of certain government officials. A 1999 law eliminated gag laws; however, legal actions against many journalists remained pending, and vestiges of the former gag laws still provided a means for charging journalists with defamation. The IACHR, the Inter-American Press Association, Reporters Without Borders, and other groups criticized these measures as efforts to censor the press. The domestic media faced increased pressure during the year from elements in the Government for criticizing policies or officials. As of December, the Ombudsman reported 50 active cases of journalists facing defamation charges brought under the criminal justice system. In 40 completed cases, the courts sentenced journalists in 23 instances; the others were dismissed or the accused found not guilty.

The appeal of El Siglo newspaper editor Carlos Singares of his 1999 conviction for criminal libel and his sentence to 20 months in prison was pending at year's end. While Singares was in jail due to articles accusing Attorney General Jose Antonio Sossa of illicit activities, a court sentenced him to 20 months in prison for criminal libel against former President Perez Balladares. Singares was free during his appeal.

A court upheld the 2000 conviction of Jean Marcel Chery, a reporter for the daily newspaper Panama America, for criminal libel and confirmed the sentence of 18 months in jail and a fine of $400.

In September 2001, the Moscoso Administration ordered the arrest of Ubaldo Davis and Joel Diaz, two editors of the weekly tabloid La Cascara, for libel and for impugning the honor of various administration officials, including the President. In July a court acquitted Diaz but found Davis guilty and sentenced him to 14 months in prison and a suspension from practicing his profession for 12 months. The judge allowed the prison sentence to be replaced by a $1,500 fine, which Davis appealed, but an appellate court upheld the judge's decision.

In October 2001, a former vice president filed charges against editorial cartoonist Julio Briceno for lampooning him in the daily newspaper La Prensa. Briceno asked that the case be dismissed; during the year his request was denied, as was an appeal, and he could not leave the country pending trial.

In 1998 then-PNP Director Jose Luis Sosa used the libel laws to bring charges against law professor and former Moscoso adviser Miguel Bernal for statements that criticized the PNP. In May 2001, Bernal appealed, which was denied in September 2001. Bernal then appealed the denial, and in May a judge dismissed the case. Human rights advocates called it a victory for press freedom.

The press laws provide for the establishment of a censorship board, which monitored radio transmissions and had the authority to fine stations that violated norms regarding vulgar, profane, or obscene language.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. No authorization is needed for outdoor assembly, although prior notification for administrative purposes is required. Throughout much of the year, police showed restraint and professionalism while monitoring large protests by students, political activists, prisoners, and workers; however, police commonly used tear gas against protesters.

There were several public demonstrations throughout the year, including a major public protest against corruption held in Panama City. Several times during the year, rural groups protested against the presence of Panama Canal authorities in the watershed and potential expansion of the canal. In August rioting broke out in Colon for 2 days, ostensibly to protest the persistently high unemployment there. Stores and street markets were shut down, and protesters reportedly damaged a few cars. The PNP fired rubber bullets not aimed directly at protesters, who responded with marbles.

The Constitution provides for the right of association, and the Government generally respected this right in practice. Citizens had the right to form associations and professional or civic groups. New political parties must meet strict membership and organizational standards to gain official recognition and participate in national campaigns.

c. Freedom of Religion.—The Constitution, although recognizing Catholicism as "the religion of the majority of Panamanians," provides for free exercise of all religious beliefs, provided that "Christian morality and public order" are respected. The Government generally respected religious freedom in practice, and there was a broad diversity of religions.

The Constitution prohibits clerics from holding public office, except as related to social assistance, education, or scientific research. However, Catholicism enjoyed certain state-sanctioned advantages over other faiths. For example, the Constitution mandates that Catholicism be taught in public schools, although parents had the right to exempt their children from religious instruction.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. The Government enforced exit permit requirements for foreigners who overstayed their initial visas. A 9:00 p.m. curfew for unaccompanied minors in the Panama City area remained in effect, although enforcement generally was lax.

The law provides for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A 1998 decree grants protection to all persons entering the country due to "state persecution based on race, gender, religion, nationality, social group, or political opinion." The decree grants 2 months' temporary protection to "displaced persons" in the case of a large influx. The U.N. High Commissioner for Refugees (UNHCR) criticized the decree because it put persons at risk for forced repatriation within a few weeks of entering the country, without analysis of their possible refugee status. In practice, the Government did not enforce the 2-month time limit. The Government has not forcibly repatriated displaced Colombians, and many Colombians have lived in the country for years without formal refugee status.

The 1998 decree contains provisions for first asylum, and there were 87 new asylum applications during the first 6 months of the year. During the year, the authorities granted refugee status to 47 Colombians, rejected 26 applications, and asked 10 applicants for more information. The Government generally cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees. However, the Government generally was reluctant to classify displaced Colombians as refugees because of historic ties and the amount of movement between border communities. The UNHCR regularly visited the country to monitor and to aid displaced Colombians. The authorities refused entry to many Colombians who arrived by air and could not show that they had at least $500.

Large groups of displaced persons periodically fled violence in Colombia by crossing the border into Panama. In 1999 approximately 800 Colombians fled violence in the Colombian town of Jurado and settled in the Darien town of Jaque. Since their arrival, the Government has cooperated with the Catholic Church and the UNHCR to provide these displaced persons with humanitarian assistance. It was difficult to estimate the number of displaced persons living temporarily in Darien because many entered and departed over short periods of time; others were in transit and hoped to go to other nations; and many did not report to any government office or NGO. There also were a number of citizens from countries such as Brazil, Ecuador, Peru, and African nations living there. Estimates of Colombians living in the Darien varied from 500 to 2,000; most placed the number around 1,500. According to the UNHCR, there were 763 Colombians under temporary protective status in the country.

The Government offered Colombians the chance to participate in a voluntary repatriation program in coordination with the Government of Colombia, and many

agreed to return. The Government, along with the UNHCR and the Catholic Church, provided displaced Colombians with food, medical care, and access to public services, including schools and clinics. The Government provided these services in Jaque and other areas of the Darien. However, many displaced Colombians living along the remote Darien border area were beyond the reach of organized assistance from the Government, the UNHCR, or the Church.

Colombian migration significantly increased pressures on local populations in the Darien and caused the displacement of Panamanian citizens. In addition, the Government suspected that Colombian migration concealed or attracted the presence of armed Colombian groups in the Darien region (*see* Sections 1.a and 1.b.). The effects of Colombian migration also were evident in Panama City and Colon, where large populations of Colombians have settled. Late in the year, the new Minister of government and Justice ordered a census of Colombians living in the country.

There were no reports of the forced return of persons to a country where they feared persecution; however, throughout the year, there were unconfirmed reports that the police along the border, on a case-by-case basis, required Colombians to return to Colombia.

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

The Constitution provides citizens with the right to change their government, and citizens freely exercised this right in the 1999 general elections. The Constitution provides for a representative democracy with direct popular election by secret ballot of the President, two vice presidents, legislators, and local representatives every 5 years. Naturalized citizens may not hold certain categories of elective office. The independent Electoral Tribunal arranges and supervises elections. While the Constitution provides for independent legislative and judicial branches, the executive dominated in practice. The Government respected the rights of its citizens to join any political party, propagate their views, and vote for candidates of their choice.

In May 1999, Arnulfista presidential candidate Mireya Moscoso defeated Democratic Revolutionary Party (PRD) candidate Martin Torrijos and Christian Democratic Party candidate Alberto Vallarino, winning 44.8 percent of the popular vote. Domestic and international observers characterized the elections as generally free and fair; however, several local contests were marred by reports of vote buying. Until September 2000, President Moscoso maintained a one-vote majority in the Legislative Assembly, which she lost when the party's coalition realigned. In September Moscoso's party regained control of the Assembly through an ad hoc coalition that included renegade opposition party legislators.

In October there was a possible theft of citizen identity cards, which could be used to commit electoral fraud. The electoral tribunal took a series of measure to restore citizen confidence and to issue new, more secure, identity cards. It also turned to the international community to request assistance to monitor the election process and to restore the integrity of the electoral system.

Several members of the main opposition PRD party alleged that there was undue presidential influence over the judiciary and the electoral tribunal, which heard a case of expulsion against one of the renegade PRD legislators as the Assembly leadership was being selected. PRD officials also asserted that appointments to the Supreme Court were made to lay the groundwork for potential electoral fraud in 2004.

There were no legal barriers to participation in government or politics by women, members of minorities, or persons of indigenous descent, and women's participation increased in the past several years. Mireya Moscoso was the country's first female president. Women held 7 of 71 Legislative Assembly seats; a woman served as the Assembly's first vice president in 1999–2000, another woman held this position for the 2000–2001 legislative period, and a third woman was elected for the 2001–02 period. Three women held positions in the 13-member Cabinet, 1 female judge remained on the Supreme Court, and a woman was the director of the Public Registry.

The Government provided semiautonomous status to several indigenous groups in their homelands, including the Kuna Yala, Ngobe-Bugle, Embera Wounaan, Kuna de Madungandi, and Kuna de Wargandi comarcas (reserves). There were dedicated seats for two Kuna Yala legislators in the Legislative Assembly, and three will be added for the Ngobe-Bugle comarca in the 2004 elections. Neither the Madugandi nor the Embera-Wounaan reserve had its own dedicated legislators, but each had a separate governor. In addition to the two Kuna Yala seats, legislators who were Ngobe-Bugle and Embera represented other districts in the Assembly.

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

Human rights organizations, including both religious and secular groups, operated without government restrictions. These organizations carried out a full range of activities, including investigations and dissemination of their findings. Organizations generally had access to government officials while conducting investigations.

The office of Human Rights Ombudsman received complaints from citizens regarding abuses or violations committed by public servants or government institutions, collected information, confronted accused public institutions or employees, and conducted studies to promote international human rights standards. Although the Ombudsman had no coercive authority beyond moral suasion, he could confront public institutions and employees with their misdeeds. In March 2001, the Legislative Assembly elected attorney Juan Antonio Tejada Espino as Ombudsman for a 5-year term.

For the 12 months ending in March, the Ombudsman's Office received 798 complaints against the Government. Of this number, 765 were against public institutions, and 33 were against businesses operating under a government concession. During the year, the Ombudsman acted as a mediator between the Government and medical associations in a 15-day medical strike; highlighted dangerous conditions in Chorrera and other prisons; encouraged the President's office to publish all its official expenses (salaries, trips, etc.); published a report on the Truth Commission and persons who disappeared; and assisted in two cases of citizens held abroad.

On April 18, the Truth Commission presented its final report to President Moscoso and Attorney General Sossa (*see* Sections 1.a. and 1.b.). The Commission collected eyewitness testimonials, domestic and foreign government documents, and anonymous information and received support from foreign forensic anthropologists to aid in its investigations. Ultimately, the commission investigated 110 cases, concluding that 70 persons were murdered, while 40 were still missing. One-half the cases were from 1969–72, 20 percent related to 1973–83, and 28 percent were from 1984–89. Eleven of the 1984–89 victims were murdered during the October 1989 attempted coup.

Although the official mandate of the Commission ended with its report, an office with a scaled-down staff continued to operate, awaiting DNA test results and excavating identified sites that were not completed during the Commission's 15-month mandate. This office continued to press the Public Ministry to open or reopen cases based on findings in its report. Additionally, and with COFADEPA (Committee of the Relatives of Panama's Disappeared) support, the Commission called upon the Government to create a public memorial and an official holiday in honor of the victims, to compensate victims' families, to bring human rights violators to justice, and to teach children about human rights violations in school. Although the Foreign Minister said that the Government should compensate victims' families, it took no action in response to these recommendations by year's end.

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

The Constitution prohibits either special privileges or discrimination on the basis of race, birth status, social class, sex, or political views. However, societal prejudices persisted. Cases of discrimination were difficult to prove, and legal remedies for victims were complicated, time-consuming, and costly. There were unconfirmed reports of violence perpetrated against homosexual men.

Women.—Domestic violence against women continued to be a serious problem. The 1995 Family Code criminalized family violence (including psychological, physical, or sexual abuse), but convictions were rare unless a death occurred. In September 2001, the code was revised to strengthen the penalties for domestic violence and to include penalties for domestic sexual assault. The PTJ registered 1,801 cases of domestic violence during the year, compared with 673 during 2001. As of November, the PTJ also received 506 cases of rape and 99 cases of attempted rape during the year, compared with 395 cases of rape and 82 cases of attempted rape in all of 2001. The Center for Women's Development estimated that victims reported as few as 20 percent of sexual assaults to judicial or law enforcement authorities. Spouses or other family members frequently were the perpetrators. The Foundation for the Promotion of the Woman, among other women's advocacy groups and government agencies, operated programs to assist victims of abuse and to educate women on their legal rights.

Trafficking in women was a problem (*see* Section 6.f.).

The Labor Code prohibits sexual harassment; however, it remained a problem. Anecdotal evidence suggested that many women were propositioned for sexual favors at the time of their initial job interview.

The 1995 Family Code recognizes joint or common property in marriages. However, insufficient resources hampered government efforts to enforce the code's provisions effectively. According to a Supreme Court justice, 80 family judges were required to handle this caseload; however, only 20 had been appointed due to lack of resources.

The Constitution mandates equal pay for men and women in equivalent jobs, but wages paid to women were on average 30 to 35 percent lower and increased at a slower rate. There were credible reports of irregular hiring practices based upon age and "appearance." A 1998 law prohibits discrimination on the basis of sex.

The Ministry of Women, Youth, Family, and Childhood was largely a consolidation of departments previously operating in other government ministries, and its activities did not attract a great deal of public attention. Through the National Directorate of Women and the Center for Gender Training, the Ministry promoted equality of women in the workplace and equal pay for equal work, attempted to reduce sexual harassment, and advocated legal reforms. A number of private women's rights groups concentrated on disseminating information about women's rights, countering domestic abuse, enhancing employment and other skills, and pressing for legal reforms.

Children.—Minors (under 18 years of age) represented 37 percent of the population. Education is compulsory through the equivalent of 9th grade, but children did not always attend school due to traditional attitudes, financial considerations of the family, lack of transportation, and insufficient government resources to enforce the requirement. The problem was most extreme in Darien Province and among indigenous groups. The Government furnished basic health care for children through local clinics run by the Ministry of Health, but clinics were difficult to reach from rural areas and often lacked medicine. A central children's hospital in Panama City operated with government funds as well as private donations.

The Ministry of Women, Youth, Family, and Childhood concentrated on child welfare problems such as children begging in the streets and roaming cities at night, infant and child malnutrition, and juvenile delinquency and gangs. The Ministry also sponsored a youth conference that attracted several thousand participants. A U.N. Development Program report showed that despite a relatively high proportion of public spending devoted to social programs, poor results on human development indicators suggested that the funds were not used efficiently.

The Superior Tribunal for Minors and Superior Tribunal for Families are judicial authorities charged with overseeing the protection and care of minors. The Minister of Women, Youth, Family, and Childhood acted much like an ombudsman, and the office proposed and reviewed laws and monitored government performance. Through November the PTJ registered 224 cases of child abuse, compared with 102 through September 2001. Neglect of children was a problem. Malnutrition and inadequate medical care were generalized problems, most severe among rural indigenous groups. Child labor and trafficking in children were problems (*see* Sections 6.d. and 6.f.).

Inadequate resources and training available to the family courts resulted in several controversial decisions, including one highly publicized case in which a child was returned to an abusive situation.

Juvenile courts continued to report a high incidence of juvenile delinquency in major urban areas. The authorities reported a continued increase in such crimes as drug trafficking, armed robberies, kidnapings, car thefts, and murders attributed to juveniles. Youth participation in criminal gangs was an increasing problem. Police arrested and detained children for minor infractions during neighborhood sweeps.

Persons with Disabilities.—The Ministry of Education was responsible for educating and training minors with disabilities, while the Ministry of Women, Youth, Family, and Childhood protected the rights of adults with disabilities. Children with disabilities traditionally were separated from the general population; however, a 2000 law required schools to integrate children with special needs into the student body, and this law generally was enforced.

The Department of Labor was responsible for placing workers with disabilities in suitable jobs. Placement remained difficult despite a 1993 executive order granting tax incentives to firms that hire disabled employees. Persons with disabilities also tended to be paid less than employees without disabilities for performing the same job.

Panama City's building code requires that all new construction projects be accessible to persons with disabilities, with fines from $100 to $500 for noncompliance. A national law with similar requirements for new construction projects generally was enforced. Awareness of disability issues has increased, and commercial establishments increasingly provided and enforced handicapped parking spaces. However,

basic services such as handicapped-accessible sidewalks and bathrooms were largely unavailable.

Indigenous Persons.—The Constitution protects the ethnic identity and native languages of indigenous people and requires the Government to provide bilingual literacy programs in indigenous communities. Indigenous people have legal rights and take part in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Indigenous people numbered approximately 229,000 (8 percent of the population) and had the same political and legal rights as other citizens. The Government has passed legislation setting aside indigenous reserves for five of the country's seven native groups, including the Embera-Wounaan, Ngobe-Bugle, and Kuna. Tribal chiefs governed each reserve; they met in a general congress at regular intervals. The much smaller Bri-Bri (1,500 members) and Naso (2,800 members) tribes did not have enclaves; they resided near the border with Costa Rica. The Ministry of government and Justice in Panama City maintained an Office of Indigenous Policy. Federal law is the ultimate authority on indigenous reserves, but local groups were allowed considerable local autonomy. For example, the Government recognized traditional indigenous marriage rites as the equivalent of a civil ceremony. Laws protect intellectual property rights of indigenous artwork and set up regulations for artisan fairs. Despite legal protection and formal equality, indigenous people generally had relatively higher levels of poverty, disease, malnutrition, and illiteracy than the rest of the population. The poverty rate among the entire indigenous population was estimated between 85 and 96 percent, depending on the group. Discrimination against indigenous people, although generally not overt, was widespread.

In July a 13-year-old indigenous Wounaan girl was shot and killed, apparently by accident, in a PNP compound (*see* Section 1.a.). Some indigenous leaders in Darien Province asked the PNP not to locate police compounds so close to or directly in a comarca and claimed that the PNP presence interfered with their culture and daily activities. The PNP stated that the police needed to be there precisely to protect the area from attacks from neighboring Colombia, and other indigenous groups asked the PNP to stay where they were.

Although their population suffers from poverty and malnutrition, Kuna leaders have succeeded in enforcing their territorial boundaries and maintaining their cultural integrity. A 190-acre Kuna Wargandi reserve was created in 2000. There were two Kuna legislators (*see* Section 3). Other indigenous groups had not succeeded in using their autonomy to preserve their culture or develop economic independence. Most lived in extreme poverty and isolation. Illiteracy among indigenous groups was almost 50 percent, compared with 10 percent among the population as a whole.

Since indigenous populations infrequently mastered Spanish and were unfamiliar with the legal system, they often misunderstood their rights and failed to employ legal channels when threatened. The problem was exacerbated by government inattention to indigenous problems. For example, many Embera-Wounaan in the Darien were forced out of their reserves due to encroachment by settlers, loggers, and Colombian immigrants. The Ngobe also were under threat due to the isolation of their reserves, encroachment by settlers, and generalized poverty. Indigenous workers consistently did not receive the basic rights provided by the Labor Code, such as minimum wage, social security benefits, termination pay, and job security. Indigenous laborers in the country's sugar, coffee, and banana plantations worked under worse conditions than their nonindigenous counterparts. Indigenous migrant workers were unlikely to be provided with housing or food, and their children were much more likely to work long hours of heavy farm labor than nonindigenous children (*see* Section 6.d.).

National/Racial/Ethnic Minorities.—The country is racially diverse, and minority groups generally have been integrated into mainstream society with overall success. However, discrimination against the country's newer immigrants, especially Chinese, often was overt. There were an estimated 150,000 to 200,000 persons of Chinese descent or admixture. Cultural differences and language difficulties hindered and possibly prevented many Chinese immigrants from fully integrating into mainstream society. In addition, Panamanians often resented Chinese immigrants. Racial slurs directed at Asians were used openly among the general population, and substantial numbers of first generation resident Chinese frequently were treated as second-class citizens. However, second and third generation Chinese were seen as distinct from recent immigrants and generally were accepted in society.

Middle Eastern and Indian residents, like the Chinese, also suffered from racially motivated discriminatory treatment. All three groups operated much of the country's retail trade, particularly in urban areas. Legal and illegal immigrants, especially Chinese, were accorded fewer legal protections than were citizens for their trade ac-

tivities. A constitutional provision reserving retail trade for Panamanian citizens was not enforced in practice; however, immigrants legally could not own their businesses and sometimes encountered bureaucratic difficulties in practicing their professions.

Racism against blacks occurred, although it generally was expressed in more subtle terms. Afro-Panamanians made up about 14 percent of the population; mixed black and mestizo accounted for about 40 percent; however, blacks were conspicuously absent from positions of political and economic power. Antillean blacks, often identifiable by dress and speech pattern, were a particular target for racial slurs and poor treatment by citizens and by Spanish-speaking blacks. Their geographic clustering in the economically depressed province of Colon and poorer neighborhoods of Panama City heightened their isolation from mainstream society. Black canal workers traditionally commanded significantly greater financial resources compared with blacks elsewhere in society, but many retired or emigrated, and there was some anecdotal evidence that the rest were being replaced by white personnel. Mainstream political elites generally were unconcerned by the economic and social problems of black populations and a concomitant rise in drug use, crime, and gang violence. The country's white elite successfully marginalized citizens with darker skin through preferential hiring practices in the private sector and manipulation of government resources in the public sector. The predominately Afro-Panamanian city of Colon, on the Caribbean coast and the country's second largest city, suffered from a conspicuous lack of government services.

Racial discrimination against all ethnic groups was evident in the workplace. In general, light-skinned persons were represented disproportionately in management positions and jobs that required dealing with the public (such as bank tellers and receptionists).

Section 6. Worker Rights

a. The Right of Association.—Private sector workers had the right to form and join unions of their choice, subject to the union's registration by the Government. A 1995 labor code reform established the minimum size of unions at 40 workers and streamlined the accreditation and registration process for unions by providing that if the Government does not respond to an application within 15 days, the union automatically gains recognition with all rights and privileges under the law. Employees of small companies may organize under a larger umbrella group of employees with similar skills and form a union as long as they number at least 40. The International Labor Organization (ILO) repeatedly criticized this 40-person limit and asked the Government to change it, with no response. The reformed code also allowed labor leaders to keep their union positions if fired from their jobs.

In February 2001, the Inter-American Court of Human Rights ruled that the firing in 1990 of 270 public sector electricity and telecommunications workers, which the Government justified based upon "public good" provisions in the law and the Constitution, was not legal and proper. The Court gave the Government until June 30, 2003, to present a report to justify its decision and recommended that the workers be compensated, and that the Government also pay a fine. At year's end, the Labor Ministry was preparing a response to the Court's decision.

Approximately 10 percent of the total employed labor force was organized. There were 341 active unions, grouped under 39 federations and 10 confederations representing approximately 130,000 members in the private sector. Neither the Government nor political parties outwardly controlled or financed unions; however, the Government and political parties exercised political, ideological, or financial influence over some unions. The labor sector traditionally supported the PRD.

The 1994 Civil Service Law permits most government workers to form public employee associations and federations and establishes their right to represent members in collective bargaining with their respective agencies. It also provides a small core of civil servants with the right to strike, bargain collectively, and evade summary dismissal, except for those in areas vital to public welfare and security, such as the police and health workers. However, the law has proven insufficient to protect the country's 150,000 government workers, because only a small percentage were career members of the administrative civil service and therefore enjoyed job security. While the right to strike applied to some of the 10,000 career members, it did not apply to the approximately 140,000 other government workers. Public workers formed a union, but it had very limited rights and could not strike or bargain collectively. The ILO's Committee of Experts has observed for some years that the prohibition of public servants' associations is inconsistent with the country's obligations under ILO Convention 87.

The law governing the autonomous Panama Canal Authority prohibits the right to strike for its 9,000 employees, but does allow unions to organize and to bargain collectively on such issues as hours and safety.

Union organizations at every level may and do affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—The Labor Code provides most workers, including all private sector workers, with the right to organize and bargain collectively, and unions exercised it widely. The law protects union workers from antiunion discrimination and requires employers to reinstate workers fired for union activities. The Ministry of Labor had mechanisms to resolve such complaints. The Civil Service Law allows most public employees to organize and bargain collectively and grants some of them a limited right to strike; however, 140,000 government workers did not have the right to bargain collectively or to strike. The 1994 Civil Service Act requires that at least 50 percent of the workforce continue to work in order to provide minimum service. The Labor Code establishes a conciliation board in the Ministry of Labor to resolve labor complaints and provides a procedure for arbitration.

In 1999 the Supreme Court ruled that an article of the Labor Code that obligated private sector strikers to submit to binding arbitration after a given period was unconstitutional. There were some strikes and protests during the year, especially in the banana and construction industries. None of the strikes led to widespread violence.

Employers commonly hired temporary workers to circumvent labor code requirements for permanent workers. Temporary workers were excluded from social security benefits, job security, and vacation time. In lower-skilled service jobs, employers often had some employees under "3-month contracts" for years, sometimes sent such employees home for a month, and then rehired them. Employers also circumvented the law requiring a 2-week notice for discharges by laying off some employees 1 day before the 3-month time period expired, or 1 week before a holiday. In addition, due to labor laws that made it difficult to fire employees of 2 years or more, it was not uncommon to hire workers for 1 year and 11 months and then to lay them off.

Labor law requires companies to submit copies of all labor contracts for permanent workers to the Labor Ministry for review to ensure compliance and requires the Labor Ministry to conduct periodic inspections of the work force. The Labor Ministry may levy fines against companies not in compliance with the law. However, these measures proved ineffective in practice. According to union sources, the practice of "blank" contracts that did not specify starting dates, in order that the employer could avoid longevity issues, was becoming more widespread.

Over the past 6 years, the Government issued cabinet decrees that precluded effective organization of unions in export processing zones (EPZs), including by restricting strikes and permitting negotiations with workers who are represented by a union. Unions asserted that this latter practice resulted in negotiations with employee groups that were dominated by employers. There were no collective bargaining contracts in the EPZs. The law requires mandatory arbitration of disputes, and it allows for the participation of an unrepresentative worker delegate in the tripartite (government, labor, and industry) arbitration commission. A strike is considered legal only after 36 workdays of conciliation were exhausted; otherwise, striking workers could be fined or fired. A 1998 ILO ruling noted that this regulation did not mention arbitration or specify procedures to resolve disputes in the courts and called on the Government to amend the EPZ labor regulations to conform with international norms; however, the Government did not make any changes in response to the ruling. Minimum wage provisions did not apply in the EPZs.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced or bonded labor by adults and children; however, trafficking in women and children was a problem (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits the employment of children under 14 years of age with some exceptions, and also prohibits the employment of children under age 15 if the child has not completed primary school. However, a 2000 government report estimated that 27,000 children between the ages of 12 and 14 work. Children under age 16 legally cannot work overtime, and those under age 18 cannot work at night. Children between the ages of 12 and 15 may perform light farm or domestic work, with the authorization of the Labor Ministry, as long as it does not interfere with their schooling. Many children reportedly worked on rural coffee and sugar plantations, as well as in the informal sector of the economy. The Labor Code provides that children between the ages of 14 and 16 may work 6-hour shifts per day that do not exceed 36 hours a week. The Labor Code includes a prohibition on employment of minors under the age of 18 in hazardous labor. The Ministry of Labor enforced these

provisions in response to complaints and could order the termination of unauthorized employment. The Government acknowledged that it was unable to enforce some child labor provisions in rural areas, and it conducted only limited inspections, due to insufficient staff.

Child labor violations occurred most frequently in rural areas, during the harvest of sugar cane, coffee, bananas, and tomatoes. Farm owners usually paid according to the amount harvested, leading many laborers to bring their young children to the fields to help with the work. In many small rural communities, the entire able-bodied population participated in the harvest, and parents were not willing to leave their children behind unattended. Many children also were involved extensively in subsistence agriculture producing coffee and sugar; they worked with their families or were employed by independent plantations.

The problem of child labor in agricultural areas appeared to fall most heavily on indigenous families, who often were forced to migrate out of their isolated reserves in search of paid work (*see* Section 5). These frequent migrations not only interrupted schooling but also left the family vulnerable to sometimes unscrupulous contractors. The Government claimed that due to insufficient staff, it was unable to enforce child labor provisions in rural areas such as in the coffee and banana plantations near the border with Costa Rica, where government resources were especially scarce and children faced difficult conditions (*see* Section 6.e.).

Urban supermarkets used an estimated 1,500 children who bagged groceries for tips. Some of the children were as young as age 9, and many of them worked late hours, in violation of the Labor Code. Some supermarket managers claimed that the children actually were not employed by their firm, despite the fact that "baggers" conformed to schedules, wore uniforms, complied with company codes of conduct, and took orders from managers as if they were direct employees. The Government failed to act to reduce the general problem of urban child labor and did not challenge the larger supermarket chains where large numbers of children worked. Urban child labor problems also included children working as street vendors or performers, washing cars, and running errands for businesses or local criminal groups.

e. Acceptable Conditions of Work.—The Labor Code establishes minimum wage rates for specific regions and for most categories of labor. The minimum wage ranged from $0.80 per hour to $1.50 per hour, depending on the region and sector. This wage was not sufficient to provide a decent standard of living for a worker and family. The Government last raised the base minimum wage in 2000 by approximately 13 percent. With inflation below 3 percent per year and despite strenuous private sector objections, the Government undertook a legally required review of the minimum wage in August but had not altered it by year's end. Most workers formally employed in urban areas earned the minimum wage or more; however, about one-third of the population worked in the large informal sector and earned far below the minimum wage. This was particularly the case in most rural areas, where unskilled laborers earned $3 to $6 per day, without benefits; the Government did not enforce labor laws in most rural areas. Public sector workers did not fall under the Labor Code and did not always receive the minimum wage. The minimum wage did not apply in the EPZs (*see* Section 6.b.).

The Labor Code establishes a standard workweek of 48 hours and provides for at least one 24-hour rest period weekly.

The Ministry of Labor is responsible for enforcing health and safety standards and generally did so. The standards are fairly broad and generally emphasize safety over long-term health hazards. Inspectors from both the Labor Ministry and the occupational health section in the Social Security Administration conducted periodic inspections of hazardous employment sites and responded to complaints; however, the Government failed adequately to enforce health and safety standards. Construction workers and their employers were notoriously lax about conforming to basic safety measures. In rural areas, the most severe lack of oversight in basic safety measures occurred in the banana industry, where poisoning by chemical agents was a recurrent problem. Workers complained of sterility and of adverse skin conditions as a result of exposure to the chemicals. In several plantations, indigenous workers were not provided with shelters, sanitary or cooking facilities, or fresh water; they also did not have machetes or gloves for their work. Complaints of health problems also continued in the cement and milling industries.

The law protects from dismissal workers who file requests for health and safety inspections. Workers also have the right to remove themselves from situations that present an immediate health or safety hazard without jeopardizing their employment. They generally were not allowed to do so if the threat was not immediate but may request a health and safety inspection to determine the extent and nature of the hazard.

f. Trafficking in Persons.—The Penal Code prohibits trafficking in women and children; however, trafficking remained a problem. The Penal Code provides for prison sentences of 2 to 4 years for the promotion or facilitation of the entry to or exit from the country of a person for the purposes of prostitution. In some circumstances, the penalty is increased to 6 years. Minor corruption, legal technicalities, and lack of resources contributed to the Government's inability to combat the problem fully. Traffickers occasionally bribed or evaded local law enforcement officials. Prostitution is not illegal; most prostitutes came with that explicit intention. During the year, police and immigration officials occasionally conducted raids on houses of prostitution.

The country was a destination for women and girls trafficked for sexual purposes from Colombia and the Dominican Republic. Trafficking in women and girls for sexual purposes occurred within the country, but the extent of the practice was unknown.

According to a report by the NGO International Human Rights Law Institute, trafficking assumed a cover of legality under a visa program for "alternadoras" (escorts) managed by the Directorate of Migration and the Ministry of Labor. In 2000 more than 700 women from Colombia were granted such visas for temporary work, stating the club or massage parlor where they intended to work, so most came with the explicit intention of prostitution rather than being deceived with promises of other employment. During the year, only about 40–50 alternadora visas were granted.

The country was primarily a transit point for aliens seeking to reach the United States, some of whom were trafficked into indentured servitude. The majority of the estimated 30,000 aliens transiting Panama originated in Ecuador and Peru, but a significant and increasing number came from India and China. Their travel was facilitated by a network of alien smugglers, travel agents, hotels, and safe houses. Prosecutions were rare, but one person was convicted for alien smuggling during the year. Anecdotal evidence indicated that illegal aliens transiting through the country were subject to frequent hardship. They commonly were deprived of adequate food and shelter. Chinese aliens particularly were vulnerable to poor treatment, and ultimately those trafficked for the purpose of forced labor were coerced into working off their debt, which could be as high as $30,000, as indentured servants. The Government did not conduct educational campaigns to warn of the dangers of trafficking, and there were no programs to aid victims.

PARAGUAY

Paraguay is a constitutional republic with three branches of government. The President is the Head of government and Head of State; he cannot succeed himself. Colorado Party Senator Luis Gonzalez Macchi assumed the presidency in March 1999; in August 2000, voters elected Julio Cesar Franco of the Liberal Party to be Vice President. The bicameral Congress is made up of a 45-member Senate and an 80-member Chamber of Deputies. The Colorado Party, the dominant political party, holds a plurality in both houses of Congress. The Constitution provides for an independent judiciary; however, the courts remained inefficient and subject to corruption and political pressure, although the Supreme Court continued to undertake judicial reforms to root out undue influence and corruption.

The military generally no longer plays an overt role in politics; however, members of two army units and a group of National Police officers participated in an attempted coup in 2000. The National Police has responsibility for maintaining internal security and public order and reports to the Ministry of the Interior. The civilian authorities generally maintained effective control of the security forces. Members of the security forces committed some human rights abuses.

The country has a market economy with a large state presence and a large informal sector. The population is approximately 5.8 million. In 2001 the per capita gross domestic product (GDP) of $1,510 was lower in real terms than it was 10 years earlier, and the Central Bank projected negative 2.5 percent growth for 2002. An estimated 32 percent of the population was employed in agriculture, which provided 30 percent of the GDP and more than 90 percent of export earnings. The informal economy, estimated to equal the value of the formal sector, also has shrunk considerably in recent years.

The Government generally respected the human rights of its citizens in most areas; however, there were serious problems in some areas. There were killings by the police and military. Incidents of torture and abuse of convicted prisoners and other detainees continued, including an unresolved case of abduction and torture of two kidnaping suspects, allegedly directed by government agents. The human rights

ombudsman prosecuted cases of human rights abuses committed during the 1954–89 Stroessner regime. Conditions in prisons throughout the country were substandard, marked by overcrowding and poor safety and control of inmates. Treatment of conscripts improved. Other problems included arbitrary arrests and detention, lengthy pretrial detention, corruption and inefficiency in the judiciary, and infringements on citizens' privacy rights. The Government's Inter-Institutional Commission on Human Rights took steps to reduce illegal military conscription; however, recruitment and conscription of underage minors continued. Police used force against nonviolent demonstrators. Violence and discrimination against women, abuse of children, and discrimination against persons with disabilities and indigenous people were problems. Worker rights were not protected adequately, and child labor existed. Paraguay was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—The police and military were responsible for some killings involving the use of unwarranted or excessive force. There were reports of police officers killing persons while acting outside the scope of their duties, of deaths in custody, and of the killing of a military conscript.

Officers Nelson Mora Leguizamon, Sinecio Camacho, and Edgar Herrera Caballero were charged in the May shooting death of taxi driver Carlos Villagra Lovera in Asuncion.

In June demonstrator Calixto Cabral was shot and killed in Caacupe when National Police officers attempted to stop him and others opposed to the privatization of a telephone utility from marching to Asuncion. An investigation continued at year's end.

In September Tacumbu Prison inmate Gustavo Ramon Portillo allegedly killed fellow inmate Luis Alberto Martinez during an argument in the prison.

In October police officers Edison Torres, Roque "Rambo" Fretes, and Rodolfo Fernandez were arrested in connection with the October shooting death of Cinthia Fretes. Witnesses reportedly said that the officers fired upon a vehicle in which several people, including Cinthia Fretes, were riding. The investigation was pending at year's end.

In November police in Ciudad del Este charged police officer Adan Ramirez Olazar with the November shooting death of Roberto Carlos Paniagua Jara. Ramirez Olazar reportedly shot Panigua while he was trying to mediate a dispute between the police officer and a third man. The trial was pending at year's end.

In November underage military conscript Luis Fernando Bobadilla Acuna died of a gunshot wound while on duty. Military authorities determined preliminarily that the death was accidental, but family members contended that he was murdered. An investigation continued at year's end (*see* Section 1.f.).

Off-duty police officers Juan Carlos Ocholasky, Reinaldo Dario Nunez Rojas, and Richard Jimenez Perez were convicted in the September 2001 murder of Jose Vera, whom they kidnaped in Asuncion and tortured before shooting him to death.

In April prosecutors recommended that nine police officers implicated in the November 2001 shooting death of Miguel Casco Valdovinos each be sentenced to 25 years in prison. Casco Valdovinos died in Curuguaty while in police custody.

In August the nongovernmental organization (NGO) Human Rights Watch (HRW) asked the Government to investigate deaths among military recruits in the armed forces. HRW indicated that it had received information that 111 recruits had died while in service since 1989, the majority of whom were under 18 years of age, and noted that most of the investigations of these deaths had not been resolved (*see* Section 1.f.).

In September police officer Pedro Recalde Aguilar was sentenced to 22 years in jail for killing two men in 1998.

In September lawyers from the NGO Committee of Churches petitioned the Foreign Ministry to continue prosecuting a motion to extradite Alfredo Stroessner from Brazil to stand trial for a murder committed in 1987. A December 2001 petition to extradite Stroessner for the 1976 killings of Rodolfo and Benjamin Ramirez remained pending at year's end.

No information was available on investigations in the case of a 14-year-old inmate at the Neuropsychiatric Hospital in Asuncion who died in 2000 (*see* Section 5).

In the continuing investigation of the 1999 death of Jose "Coco" Villar, whom police officers allegedly shot and killed, a judge ordered a new forensic examination

after an investigation proved that an earlier examination was falsified. The investigation was underway at year's end.

At year's end, prosecutors still were investigating the 2000 death of a juvenile military recruit, Pedro Centurion.

In the case of the 1999 killing of Vice President Luis Maria Argana and seven antigovernment protesters (*see* Section 1.d.), sanctions against three of the four alleged ringleaders were discontinued. Former army commander Lino Oviedo faced charges in connection with these killings; at year's end, Oviedo remained in Brazil (*see* Section 1.d.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture as well as cruel, inhuman, or degrading punishment or treatment; however, torture (primarily beatings) and brutal and degrading treatment of convicted prisoners and other detainees continued. The Paraguay Human Rights Coordinating Board (CODEHUPY)—a group of 32 NGOs, civic organizations, and trade unions—reported several cases of police torture and other abusive treatment of persons, including women and children, designed to extract confessions, punish escape attempts, or intimidate detainees. The Attorney General's office and the NGO Committee of Churches compiled numerous examples of police abuse.

In January law enforcement agents from the Attorney General's office allegedly kidnaped leftist political figures Juan Arrom and Asuncion Marti, tortured them, and threatened their lives. Arrom and Marti, suspects in the kidnaping of Maria Bordon de Debernardi, allegedly were held for 2 weeks and freed by family members who said they were tipped off by neighbors and police. Interior Minister Julio Cesar Fanego, Justice and Labor Minister Silvio Ferreira, Police Chief Blas Chamorro, and Investigations Chief Roberto Gonzalez Cuquejo all resigned shortly after the Arrom/Marti incident. Two police officers were arrested and then released, and another continued under investigation. Arrom and Marti alleged that Fanego and Ferreira knew that they were being held against their will but did nothing. No charges were filed against the former ministers. The Government's national intelligence service was disbanded because of information compiled during the investigation of the Arrom and Marti kidnaping. The Government complied with the Inter-American Commission on Human Rights' (IACHR) request for information on the case. In December prosecutors filed kidnaping charges against Arrom and Marti; at year's end, they remained free on bail pending trial.

In January lawyers for the country's Human Rights Commission alleged that police officers tortured Victor Colman and Jorge Samudio, later charged in the Debernardi kidnaping, after arresting the two men. The Interior Ministry denied that its officers had tortured the men, acknowledging only that they suffered bruises while being arrested.

In May five military recruits claimed they were tortured while in service at the First Cavalry Regiment in Pozo Colorado. Hugo Espinola, Mario Guerrero Gonzalez, Hugo Omar Rojas Gimenez, Jose Asuncion Aguero, and Mario Gamarra alleged that their superiors in the regiment physically, sexually, and psychologically mistreated them. Four of the men escaped the Pozo Colorado barracks and reached help after walking 12 miles through the night; the fifth was recaptured by the military. Authorities had not resolved the case by year's end.

In May 2000, several persons arrested during the state of exception following the abortive 2000 coup reported being tortured during their detention (*see* Sections 1.d. and 3). Some of these persons reported that former Interior Minister (and current legislator) Walter Bower witnessed and encouraged the beatings of suspects in three unrelated cases. Press reports also connected Bower to the torture of eight peasants in Concepcion in 2000; police reportedly beat them in Bower's presence after they were arrested for illegally cutting down trees. In August 2001, prosecutors charged Bower with torture and other crimes for his actions following the abortive coup. In December Saul Leonardo Franco filed a complaint alleging that Bower and three police officers tortured him following the failed coup attempt. Criminal actions against Bower remained pending at year's end; however, there were no significant developments during the year. In October commentators alleged that courts were delaying consideration of the case.

Police used force to disperse protesters on several occasions, sometimes killing or seriously injuring civilians (*see* Sections 1.a. and 2.b.).

Hundreds of cases of torture and abuses remained pending from the 1954–89 Stroessner regime. Under the Constitution, the Defensor del Pueblo (Human Rights Ombudsman) prosecutes cases seeking monetary compensation for human rights abuses committed during the Stroessner regime. Since his appointment in November 2001, the ombudsman has ruled that 35 persons were entitled to compensation

for torture, imprisonment, and other human rights violations suffered during the Stroessner regime. More than 140 cases have been filed. In June the Government gave the Ombudsman an additional 36 months to adjudicate these cases.

The Ombudsman maintains documents related to abuses committed during the Stroessner regime in an "Archives of Terror" that are available for research by academics and the general public. During the investigation of the Arrom/Marti abduction, authorities discovered additional documents that were added to the Archives.

In April a review tribunal found that Captain Napoleon Ortigoza had been detained unjustly for 25 years during the Stroessner dictatorship and awarded him $1 million (7 billion guaranies) in compensation. In September Nemesio Barreto Monzon filed a formal charge with the Attorney General's office alleging that Stroessner, former Interior Minister Sabino Montanaro, and other officials tortured him in 1974 because of his political affiliation; the case was pending at year's end.

In April a trial judge issued a detention order against Stroessner and his Interior Minister Sabino Montanaro in the 1987 torture and death of Celestine Perez de Almada. While the order showed continued interest in following up on wrongs from that regime, it had little practical effect since Stroessner and Montanaro have lived in Brazil and Honduras, respectively, since 1989. In September the Supreme Court denied Ramon Duarte Vera's habeas corpus seeking to be freed from prison pending his appeal of his conviction for torture and attempted murder in 1959, during the Stroessner regime.

Prison facilities were deficient, and prison conditions were extremely poor. Overcrowding, unsanitary living conditions, and mistreatment were the most serious problems affecting all prisoners. Tacumbu Prison—the largest in Asuncion—was built to hold 800 inmates but housed more than 2,100, two-thirds of whom were awaiting trial. In October the Office of Penal Institutions noted that more than 100 inmates in the Tacumbu Prison suffered from serious illness: 8 suffered from HIV, 70 from syphilis, 32 from tuberculosis, and 47 from mental diseases. Other regional prisons generally held approximately three times more inmates than originally planned. UNICEF reported that conditions were substandard in other facilities around the country, especially in the Coronel Oviedo prison, where more than 500 inmates were confined in a facility built for 100.

Security was a problem throughout the prison system. For example, there were approximately 120 guards for more than 2,100 prisoners at Tacumbu Prison. In July inmates held two guards prisoner for several hours until Justice and Labor Minister Diego Abente negotiated an end to the siege. Inmates frequently had weapons, particularly at Emboscada in Minas. During prison searches in March, guards found drugs and knives in inmates' possession in Tacumbu and in Abraham Cue in San Juan Bautista. During a July riot in Emboscada, two inmates were killed, one by gunshots from prison guards. In August inmates in the Emboscada and Itagua facilities killed two fellow juvenile inmates. In April inmate Ruben Insfran hanged himself in the Tacumbu facility.

Escapes were frequent; for example, in September Vicente Urdina Chamorro, convicted of domestic violence, escaped from Tacumbu. The press also reported numerous escapes and attempted escapes from the Itagua facility. In February authorities thwarted a major escape attempt from the maximum-security facility in Emboscada when the murder of inmate Leonardo Meza prompted a surprise inspection.

At the Asuncion women's prison, Buen Pastor, there were several reported rapes of prisoners by their guards, although laws governing prisons forbid male guards in the women's prisons. In August inmates in Buen Pastor rioted after the prison warden was replaced following reports of narcotics use among inmates; drugs also were found in the warden's office. Still, conditions in the women's prison were better and less crowded than at Tacumbu. A small number of women were housed in predominantly male facilities, where they were segregated from the male population. After the August riots, prison officials transferred 19 female inmates to the all-male Emboscada maximum-security prison to separate them from the general population.

The Congressional Human Rights Commission criticized the prisons for their poor nutritional standards. Prisons generally served one meal a day, and prisoners seldom got vegetables, fruit, or a meat protein source, unless they had individual means to purchase them.

In June the IACHR referred a long-standing complaint against conditions in Panchito Lopez, the former youth detention center, to the Inter-American Court for Human Rights. The complaint, filed by the NGOs Center for Justice and International Law (CEJIL) and Tekojoja alleged that prison officials had violated the human rights of youth offenders at Panchito Lopez from 1996 until the facility burned in 2001.

In September the Ministry of Justice and Labor replaced the warden and senior security officials at the Emboscada prison after reports that officials were beating

and torturing prisoners. In July authorities fired the officials in charge of the Tacumbu Prison and charged them after learning that officials and inmates were operating a stolen car ring out of the facility.

The Government, led by Justice and Labor Minister Diego Abente, took some steps to improve prison conditions. Work continued on new juvenile facilities at Itagua and Fernando de la Mora prisons. While pretrial detainees were not held separately from convicted prisoners, in January the Ministry of Justice decreed that convicted inmates would be segregated from those who were held awaiting trial. The new administration at Tacumbu made several immediate changes, including closing the areas where more affluent prisoners paid for more comfortable accommodations. To increase accountability, in January a judge ordered that authorities provide national identification cards to prisoners.

The Government permitted independent monitoring of prison conditions by human rights organizations. Amnesty International and diplomatic representatives have been granted access to prisons on announced and unannounced visits.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention were persistent problems. The Constitution prohibits detention without an arrest warrant signed by a judge and stipulates that any person arrested must appear before a judge within 24 hours to make a statement. The police may arrest persons without a warrant if they catch them in the act of committing a crime, but they must notify a prosecutor within 6 hours. In practice the authorities did not always comply with these provisions.

Pretrial detention remained a serious problem; an estimated 66 percent of persons in prison were held pending trial, many for months or years after their arrest. While the law encourages speedy trials, the Constitution permits detention without trial until the accused completes the minimum sentence for the alleged crime, which often occurs in practice. Judges have the discretion to permit "substitute measures," such as house arrest, in place of bail for most crimes. Judges frequently set relatively high bail, and many accused persons were unable to post bond. The Supreme Court and many criminal court judges also made periodic visits to the prisons to identify and release improperly detained individuals.

In 1999 more than 45 persons—including well-known political figures—were arrested in connection with the 1999 assassination of Vice President Argana and the killing of student protesters (*see* Section 1.a.). Sanctions against three of the four prominent suspects, who had been remanded to house arrest or other alternative detention, were discontinued, and only one person remained subject to such sanctions (*see* Section 1.a.).

The last of the 54 military personnel detained in 2000 for their suspected participation in the attempted coup were released from prison. The Supreme Court reversed the convictions of members of an artillery battalion, and many of the other personnel were not tried or sentenced.

The Constitution expressly prohibits exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, politicians and other interested parties often pressured judges, although the judiciary was not allied with any one political group. Courts remained inefficient and subject to corruption and political influence.

The nine-member Supreme Court appoints lower court judges and magistrates, based upon recommendations by the Magistrate's Council. There are five types of appellate tribunals: Civil and commercial, criminal, labor, administrative, and juvenile. Minor courts and justices of the peace fall within four functional areas: Civil and commercial, criminal, labor, and juvenile. The military has its own judicial system.

The 2000 Penal and Criminal Procedures Code provides the legal basis for the protection of fundamental human rights. The new code introduced expedited oral proceedings and requires prosecutors to bring charges against accused persons within 180 days. Defendants enjoy a presumption of innocence, and defendants and the prosecutor may present the written testimony of witnesses as well as other evidence. The judge alone determines guilt or innocence and decides punishment. A convicted defendant may appeal his or her sentence to an appeals court, and the Supreme Court has jurisdiction over constitutional questions.

The new system reduced the backlog of pending criminal cases, as 95 percent of those cases active in 1999 had been resolved by March 2001. The average length of a criminal proceeding dropped by 75 percent, resulting in a reduction of the length of pretrial detention; however, the average time from arrest to trial was still approximately 240 days. The long trial period highlighted the judiciary's struggle with inefficiency and insufficient resources.

In September the Supreme Court voided provisions of the new criminal code that would have dismissed those cases filed under the old system that were still pending on February 28, 2003. Human rights advocates hailed this decision, which they felt would prevent defendants from avoiding prosecution by delaying their cases until that deadline.

The Constitution stipulates that all defendants have the right to an attorney, at public expense if necessary, but this right often was not respected in practice. Many destitute suspects received little legal assistance, and few had access to an attorney sufficiently in advance of the trial to prepare a defense. The 148 public defenders in the country, including 44 in Asuncion, lacked the resources to perform their jobs adequately.

There were no reports of political prisoners. Of the more than 45 supporters of former General Lino Oviedo who were arrested after the 1999 killings of Vice President Argana and the student protesters, 4 were awaiting prosecution at year's end (*see* Sections 1.a. and 1.d.). They said they were being detained because of their political opposition to President Gonzalez Macchi.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides that the police may not enter private homes except to prevent a crime in progress or when the police possess a judicial warrant; however, at times the Government infringed on citizens' privacy rights. While the Government and its security forces generally did not interfere in the private lives of citizens, human rights activists claimed that local officials and police officers abuse their authority by entering homes or businesses without warrants and harassing private citizens. There were allegations that the Government occasionally spied on individuals and monitored communications for political and security reasons.

During the year, the authorities took steps to reduce the illegal conscription of minors, the mistreatment of recruits, and the unexplained deaths of recruits (*see* Sections 1.a. and 1.c.). The Government's Inter-Institutional Committee, including judges, attorneys, legislators, and NGO representatives, continued its visits around the country during the year to inspect conscripts' records and identify any minor soldiers. The Committee had the power to investigate and report on abuses and conditions.

The Government established review procedures for military recruits to prevent future enlistment of minors, although it was unclear whether they had been implemented. The Government ordered all military officers responsible for recruiting to ensure that all conscripts meet the legally minimum mandated requirement age of 18 for military service. The armed forces no longer allowed 17-year-olds to enlist with parental permission. However, there were reported violations, including allegations that military recruiters forced underage youths to join units and provided them with false birth certificates and other documentation to show them to be of age. In September and October, Human Rights Ombudsman Manuel Paez Monges found 20 17-year-old conscripts in the Intendencia and Navy facilities and formally petitioned the armed forces chief to stop recruiting underage soldiers.

Since 1989, 111 underage conscripts have died while in military service. In November underage military conscript Luis Fernando Bobadilla Acuna died of a gunshot wound while on duty (*see* Section 1.a.).

There were several allegations of mistreatment of military recruits by noncommissioned and commissioned officers (*see* Section 1.c.). In June 2001, the Coalition to Stop the Use of Child Soldiers reported that the average age of recruits was 16.4 years and that seven underage soldiers had died.

Human rights organizations and victims' families filed complaints with the IACHR on behalf of five men who died—one had been beaten and another tortured—or disappeared while in military service between 1989 and 1998. In January the Senate Human Rights Commission charged Sigfrido Chavez Orrego with altering birth certificates of minors who then were enlisted. Chavez Orrego allegedly forged documents for recruits in the Second Calvary Division and in the Lower Chaco. The charges came after visits in 2001 to military institutions by the Government's Interinstitutional Committee.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and the press, and the Government generally respected these rights in practice.

The print and electronic media were independently owned; some media outlets were tied closely to political parties, particularly the Colorado party, factions of this party, or business entities. The media commonly criticized the Government and freely discussed opposition viewpoints.

In February a court of appeals confirmed a fine of $90,000 (630 million guaranies) against ABC Color Editor Aldo Zuccolillo in a case of slander brought by a senator of the Colorado Party.

In March a criminal court in Alto Parana and Canindeyu confirmed a 25-year sentence given to the man convicted of the January 2001 killing of journalist Salvador Medina, a reporter and chairman of the board of directors of radio station Nemity FM in Capiibary, San Pedro. Medina's family said he received a number of threats just prior to his death following exposes he had made in his radio broadcasts.

In July the World Association of Community Radio Broadcasters alleged that the National Telecommunications Commission, accompanied by police, shut down radio station Nemity FM in Capiibary, for which Medina had been a reporter and board member, and confiscated its equipment. The Commission claimed it was enforcing a 1999 judicial order to close the station for regulatory reasons.

In August the Senate modified provisions of the Privacy Law to limit its effect on freedom of the press. Critics of the law argued that while intended to protect dissemination of personal information about individuals, in practice it limited the public's access to information about the property and the commercial and legal affairs of public employees.

A report issued in September by the Sindicato de Periodistas del Paraguay (SPP), the national journalists' union, warned of "alliances of media owners and politicians . . . that impede the exercise of pluralistic journalism." The SPP mentioned the example of Radio Corpus, in Ciudad del Este, explaining that the station fired a journalist who refused to do paid interviews with local politicians.

In July the Supreme Court affirmed a decision overturning ABC Color journalist Telmo Ibanez's libel conviction, levied after his reports on corruption among government officials in Concepcion.

There were no further developments in the 2001 case of threats against journalist Sever del Puerto.

In September the Government closed Internet service provider Planet after a prosecutor alleged that the company was providing international telephone service in violation of the telecommunications laws. After 4 days, the Government dismissed the charges and allowed Planet to resume operations.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of all citizens to peaceful assembly, and the Government generally respected this right in practice; however, in some cases police used violent force against nonviolent assemblies.

The law restricts demonstrations in Asuncion to certain times and places, and specifically prohibits meetings or demonstrations in front of the presidential palace and outside military or police barracks. Some groups have opposed these restrictions. The law also requires that organizers notify the Asuncion police 24 hours before any rally downtown. In addition, the law also prohibits public gatherings in the congressional plaza in Asuncion, the traditional focal point for many demonstrations, during daylight hours on workdays. The police may ban a demonstration but must provide written notification of the ban within 12 hours of receipt of the organizers' request. The law permits a police ban only if another party already has given notice of plans for a similar rally at the same place and time. This law does not apply to religious processions. During the year, the Government applied this law selectively, using it against its political opponents. The Constitution prohibits closing roads and bridges as a form of protest; however, demonstrators closed roads on several occasions.

Police used live ammunition and clubs against demonstrators at the National Palace in Asuncion several times. After a February confrontation, in which the National Police stated that its forcible actions were necessary to control the crowd, some human rights organizations severely criticized the police action as a return to the state-sponsored repression of the Stroessner regime. In September the police used force to disperse approximately 1,000 political demonstrators from the Palace grounds. These demonstrators were supporters of former general Lino Oviedo; their political party subsequently filed a complaint with the IACHR, and the International Federation of Human Rights expressed its "extreme concern" regarding the "violent police brutality" employed. No information was available at year's end on the IACHR's action on the complaint.

In June National Police in Caacupe used force to stop marchers protesting the privatization of government utilities. One demonstrator was shot and killed, and dozens of others were shot or beaten (*see* Section 1.a.).

In July President Luis Gonzalez Macchi declared a state of emergency, banning protests and authorizing arrests without warrants, after demonstrators nationwide blocked roadways and bridges. The demonstrators, allegedly organized by former

general Lino Oviedo, called for Gonzalez Macchi's resignation. After the protests subsided, the President lifted the state of emergency following constitutional procedures.

In September in Edelia, Itapua, police used force to disperse demonstrators—who had joined nationwide protests by mechanized farmers and others against economic conditions—after they refused to obey a court order directing them to clear roadways.

The Constitution provides for the right of all citizens to free association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government required that all religious groups register with the Ministry of Education and Culture but imposed no controls on these groups, and many informal churches existed.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—All citizens may travel within the country with virtually no restrictions, and there generally were no restrictions on foreign travel or emigration. However, the persons allegedly involved with plotting the 2000 coup were not allowed to leave the country and were required to sign in with the Justice Ministry once a month (*see* Section 3). The Constitution prohibits closing roads and bridges as a form of protest; however, protesters closed roads on several occasions (*see* Section 2.b.).

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In July the country enacted asylum legislation based on a UNHCR model. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Immigration Department determines each request on a case-by-case basis in consultation with the Ministries of Foreign Relations and Interior and the nongovernmental Committee of Churches. The issue of the provision of first asylum did not arise.

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

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

Citizens have the right and ability to change their government through democratic means. Multiple parties and candidates contested the country's leadership positions. Five parties were represented in the Congress. The Constitution and the Electoral Code mandate general elections every 5 years, voting by secret ballot, and universal suffrage. Debate in Congress was free and frank. The Congress often rejected the executive branch's proposals.

Observers from the Organization of American States characterized as free and fair the August 2000 vice-presidential elections, the first national executive election won by the opposition in more than 50 years. Gubernatorial elections and nationwide municipal elections were held in April and November 2001, respectively. There were no reports of irregularities, although the elections were marked by the lowest voter turnout (50 percent) since the end of the Stroessner dictatorship in 1989. Political parties held primary elections in December to choose nominees for the 2003 presidential and congressional elections.

There are no legal impediments to women's participation in government and politics. There were 10 women in Congress (8 of 45 senators and 2 of 80 national deputies), and women headed 3 government ministries. The Electoral Code requires that 20 percent of each party's candidates in their internal primaries for elective office be women. Women served as judges (although not on the Supreme Court) and prosecutors.

Members of indigenous groups are entitled to vote, and the percentage of indigenous people who exercised this right grew significantly in recent years. The inhabitants of some indigenous communities reported that they were threatened and prohibited from fully exercising their political rights.

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

The Government did not restrict the activities of any human rights groups or advocates; however, it had a mixed record in cooperating with or responding to recommendations from such groups.

Local NGO human rights groups included the Committee of Churches (an interdenominational group that monitored human rights, investigated refugee claims, and provided legal assistance), Tekojoja (a group dedicated to the protection of chil-

dren's rights), and SERPAJ (a group that defended conscientious objectors and provided legal assistance to those with grievances arising from military service). CODEHUPY's annual report highlighted abuses of police authority and mistreatment of military recruits and noted that an impartial and corruption-free judiciary is necessary to enforce human rights in the country. In February the Government and the International Red Cross (ICRC) signed a memorandum of understanding for ICRC operations in the country.

In October 2001, Human Rights Ombudsman (Defensor del Pueblo) Manuel Paez Monges began work as the country's human rights advocate. His office took charge of the prosecution of 330 lawsuits seeking compensation for human rights violations dating from the Stroessner dictatorship (*see* Section 1.b.).

The Director General of Human Rights, located in the Ministry of Justice and Labor, chaired the National Commission on Human Rights. The Commission sponsored seminars to promote human rights awareness. The Director General's office has access to the congressional, executive, and judicial authorities. It does not have subpoena or prosecutorial power, but the commission may forward information concerning human rights abuses to the Attorney General for action. It served as a clearinghouse for information on human rights and trained thousands of educators in human rights law.

In 2000 the Supreme Court established an office to oversee the conduct and prosecution of human rights cases. During the year, the Supreme Court conducted human rights training workshops among government agencies.

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

The Constitution and other laws prohibit discrimination based on race, sex, disability, language, or social status; however, certain groups, such as indigenous people, faced significant discrimination in practice.

Women.—The most pervasive violations of women's rights involved sexual and domestic abuse, which were underreported. Spousal abuse was common. Although the Penal Code criminalizes spousal abuse, it stipulates that the abuse must be habitual before being recognized as criminal, and then it is punishable only by a fine. Thousands of women were treated for injuries sustained in violent domestic altercations. Between January and August 2001, the Secretariat of Women's Affairs registered 533 cases of violence against women, a 25 percent increase over the same period in 2000.

According to women's rights activists, official complaints rarely were filed or were withdrawn soon after filing due to spousal reconciliation or family pressure. In addition, the courts allow for mediation of some family violence cases, which is not provided for by the law. There are no specialized police units to handle complaints involving rape. The Secretariat of Women's Affairs chaired a national committee, made up of other government agencies and NGOs, that developed a national plan to prevent and punish violence against women. Under the plan, an office of care and orientation receives reports on violence against women and coordinates responses with the National Police, primary health care units, the Attorney General's office, and NGOs. However, in practice these services were available only in Asuncion. The Secretariat also conducted training courses for the police, health care workers, prosecutors, and others.

The Women's November 25th Collective, an NGO, operated a reception center where female victims of violence received legal, psychological, and educational assistance. No shelters for battered and abused women were available outside the capital of Asuncion. Most imprisoned women reportedly were detained for assault, including murder, committed following domestic violence.

The law prohibits the sexual exploitation of women, but the authorities did not enforce the prohibition effectively. Prostitution by adults is not illegal, and exploitation of women, especially teenage prostitutes, remained a serious problem. Law enforcement officials periodically staged raids on houses of prostitution. National daily newspaper Noticias ran a series of features in September and October chronicling child prostitution in Asuncion and other cities in the country.

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

The Labor Code prohibits sexual harassment; however, many women in the workplace faced sexual harassment. Claims of abuse are filed with the courts and the Ministry of Justice and Labor. Sex-related job discrimination continued to be widespread and widely tolerated. The Secretariat of Women's Affairs occasionally sponsored programs intended to give women free and equal access to employment, social security, housing, ownership of land, and business opportunities.

Women had much higher illiteracy rates than men. A 2001 census survey found that 15.4 percent of rural women were illiterate, compared with 10.7 percent of rural men. In addition, maternal mortality rates are high, and as many as 65 per-

cent of such deaths were related to poor medical care. Several groups worked to improve conditions for women, including Women for Democracy, which was active in civic and electoral education. Other groups included SUMANDO, an NGO that promoted educational reform and voter participation in elections, and SEFEM, which focused on women and public policy and the participation of women in local development.

Children.—The Constitution protects certain children's rights and stipulates that parents and the State should care for, feed, educate, and support children. The population is very young, with an average age of 25.3 years; 38.6 percent of the population is under age 15. A February 2001 census survey reported that 45 percent of children age 5 or younger lived in poverty, compared with 32 percent of the general population. Boys and girls legally are entitled to equal treatment in education and health care. However, females had less access to education, particularly in rural areas. The educational system did not provide adequately for the educational needs of the population. The Government was unable to implement fully amendments to its General Education law, such as extending compulsory attendance through ninth grade, because of inadequate funds. Families pay a fee to cover each school's administrative expenses and must purchase books, uniforms, and other supplies for their children's use. The census found that the 2001 national literacy rate was 91.6 percent.

Abuse and neglect of children was a problem. A local NGO attributed a rise in the number of complaints of mistreatment of children during 2000 to the increased awareness of child abuse and neglect.

Sexual exploitation of children also was a problem. In a survey released in 2001, the NGO AMAR identified 619 child victims of sexual exploitation, the vast majority of whom lived in Asuncion and Ciudad del Este. Approximately 33 percent of the victims were under the age of 16.

There were unsubstantiated reports of trafficking in girls for the purpose of sexual exploitation (*see* Section 6.f.).

There continued to be reports of the conscription of underage youth (*see* Section 1.f.).

Persons with Disabilities.—The Constitution provides for equal opportunity for persons with disabilities and mandates that the State provide them with health care, education, recreation, and professional training. It further requires that the State formulate a policy for the treatment, rehabilitation, and integration into society of persons with disabilities. However, the Congress never enacted legislation to establish such programs or provide funding for them. Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The law does not mandate accessibility for the persons with disabilities, and the vast majority of the country's buildings, both public and private, were inaccessible.

Conditions at the Neuropsychiatric Hospital in Asuncion were substandard, and some patients reportedly were kept unclothed in cells and were not treated for their mental illnesses. The physical facilities of the hospital lacked running water, electricity, or even roofs, and the hospital was severely understaffed. Children were housed with adults in the facility and were subject to sexual assaults from older patients. Two men were arrested and charged with sexually assaulting inmates at the hospital. No information was available on the Government's response to problems at this facility, including the 2001 death of an inmate (*see* Section 1.a.).

In June members of the Paraguayan Association of the Blind contended that the group had received only one-third of the $30,000 (210 million guaranies) fund promised in 2001 by the Government's Social Benefits Division. There was no information on the ultimate disposition of these funds.

Indigenous Persons.—The Constitution provides indigenous people with the right to participate in the economic, social, political, and cultural life of the country; however, the indigenous population—80,000, according to 2001 census data—was unassimilated and neglected. Low wages, long work hours, infrequent payment (or nonpayment) of wages, job insecurity, lack of access to social security benefits, and racial discrimination were common. Numerous indigenous groups challenged Congress's proposed changes to the Indigenous Community Statute, which grants local groups the right to observe their traditional lifestyles and customs. Weak organization and lack of financial resources limited access by indigenous people to the political and economic system. Indigenous groups relied primarily upon parliamentary commissions to promote their particular interests. The Constitution also protects the property interests of indigenous people, but these rights are not codified fully. The Constitution allows Public Ministry officials to represent indigenous people in matters involving the protection of life and property.

Lack of access to sufficient land hindered the ability of indigenous groups to progress economically and maintain their cultural identity. In addition, there was insufficient police and judicial protection from persons encroaching on indigenous lands. The Government's National Indigenous Institute (INDI) has the authority to purchase land on behalf of indigenous communities and to expropriate private property under certain conditions to establish tribal homelands. However, there were significant allegations of wrongdoing within INDI. Furthermore, many indigenous people found it difficult to travel to the capital to solicit land titles or process the required documentation for land ownership.

Other significant problems facing the indigenous population included lack of shelter and medical care, economic displacement resulting from other groups' development and modernization, and malnutrition. Scarce resources and limited government attention slowed progress in dealing with these problems.

Section 6. Worker Rights

a. The Right of Association.—The Constitution allows both private and public sector workers (with the exception of the armed forces and the police) to form and join unions without government interference. The Constitution contains several provisions that protect fundamental worker rights, including an antidiscrimination clause, provisions for employment tenure, severance pay for unjustified firings, collective bargaining, and the right to strike. Approximately 121,000, or 15 percent, of workers were organized in approximately 1,600 unions.

In general unions were independent of the Government and political parties. One of the country's three labor centrals, the Confederation of Paraguayan Workers (CPT), was aligned closely with the ruling Colorado Party.

All unions must be registered with the Ministry of Justice and Labor. Although the official registration process was cumbersome and could take a year or more due to government bureaucracy, the Ministry of Justice and Labor issued provisional registrations within weeks of application. Employers who wish to oppose the formation of a union can delay union recognition by filing a writ opposing it. However, almost all unions that request recognition eventually receive it.

The International Labor Organization (ILO) Committee of Experts noted deficiencies in the application of certain conventions ratified by the Government. These included conventions dealing with minimum wage, abolition of forced labor, minimum age of employment, freedom of association, equal remuneration, and employment policy. The ILO specifically criticized as inconsistent with international norms regarding the freedom of association regulations requiring a minimum of 300 workers to form a union; the imposition of excessive requirements to be able to hold office in the executive body of a trade union; and the submission of collective disputes to compulsory arbitration. In response to the ILO criticism, the Ministry of Justice and Labor did not enforce the 300-worker minimum, although the requirement remained in the Labor Code.

The Constitution prohibits antiunion discrimination; however, the firing and harassment of some union organizers and leaders in the private sector continued. Union organizers sometimes were jailed for their role in leading demonstrations. Fired union leaders may seek redress in the courts, but the labor tribunals were slow to respond to complaints and typically favored business in disputes. The courts were not required to order the reinstatement of workers fired for union activities. In some cases when judges ordered the reinstatement of discharged workers, employers continued to disregard the court order with impunity. The failure of employers to meet salary payments also frequently precipitated labor disputes. Principal problems included bottlenecks in the judicial system and the inability or unwillingness of the Government to enforce labor laws. There were a number of cases involving trade union leaders fired as long as 8 years ago that remained pending in the courts. In May the president of a government employees' union alleged that he had been fired because of his union activity; at year's end, there was no information on the resolution of his complaint. In November a union reported that officials in San Lorenzo threatened to fire a union organizer until the union intervened on his behalf. The ILO and the International Confederation of Free Trade Unions criticized the lack of measures to prevent antiunion discrimination and observed that legislation does not oblige labor courts to reinstate unfairly fired trade unionists.

There were also complaints that management created parallel or "factory" unions to compete with independently formed unions. There were several cases of workers who chose not to protest due to fear of reprisal or anticipation of government inaction.

Unions were free to form and join federations or confederations, and they were affiliated with and participated in international labor bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and this provision was generally respected in practice. According to the Ministry of Justice and Labor, there were approximately 30 collective bargaining agreements in place. However, they were the exception rather than the norm in labor-management relations and typically reaffirmed minimum standards established by law. When wages were not set in free negotiations between unions and employers, they were made a condition of individual offers of employment.

The Constitution provides for the right to strike, bans binding arbitration, and prohibits retribution against strikers and leaders carrying out routine union business; however, employers often took action against strikers and union leaders. Voluntary arbitration decisions are enforceable by the courts, but this mechanism rarely was employed. Senior Labor Ministry officials were available to mediate disputes.

There were numerous strikes by members of all three worker centrals and smaller unions. Many of the strikes were related to the firing of union officials, management violations of a collective contract, management efforts to prevent the free association of workers, or demands for benefits such as payment of the minimum wage or contribution to the social security system. Others were directed at broader economic issues. In May police and former employees of the Itaipu Dam clashed in Ciudad del Este during a labor demonstration protesting layoffs by a contractor at the dam. Thirty persons, including 4 police officers, were injured in the confrontation, and 28 were arrested. In June employees of the telephone utility Antelco led a series of strikes in Asuncion and throughout the country opposing the planned privatization of that company; ultimately, the Government decided to withdraw its plans to sell the company. In the September "tractorazo" strikes, farm workers throughout the country went on strike, ceasing production and parking their vehicles on the sides of roadways demanding reductions in the gasoline tax and water rates and changes in other economic measures (*see* Section 2.b.).

There were no export processing zones. Maquiladora factories, which assemble imported parts for re-export, have been established in the eastern part of the country. The Mercosur trade association accepted the country's maquiladora factories into its automotive regime. The country's labor laws apply to maquila operators.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced labor, including by children; however, cases of abuse of national service obligations (compulsory military service for all males, unless exempted as conscientious objectors) occurred (*see* Section 6.d.). There were reports of conscripts forced to work as construction workers for military officers in their privately owned businesses. There were allegations of forced conscription of underage youths (*see* Section 1.f.).

Frequently families who could not afford to raise a child—usually a daughter, sometimes as young as age 5—sent the child to relatives or colleagues, who expected the child to work in exchange for room, board, and access to education.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Director General for the Protection of Minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws; however, in general the Government did not enforce minimum working age regulations, and child labor was a problem. Minors between 15 and 18 years of age may work only with parental authorization and may not be employed in dangerous or unhealthy conditions. Children between 12 and 15 years of age may work only in family enterprises, agriculture, or apprenticeships. The Labor Code prohibits work by children under 12 years of age.

The 2001 census found that 5 percent of the workforce was under the age of 14. The Statistics Bureau reported that from August to December 2000, 55 percent of boys between the ages of 10 and 19 worked. According to the NGO Coeti, 265,000 children, or 13.6 percent of children between the ages of 5 and 17, worked outside their homes, many in unsafe conditions. Studies indicated that 42 percent of these children began working by the age of 8, and some 37 percent did not attend school. Thousands of children in urban areas, many of them younger than 12 years of age, were engaged in informal employment, such as selling newspapers and sundries and cleaning car windows. Many of the children who worked on the streets suffered from malnutrition and disease and lacked access to education. Some employers of the estimated 11,500 young girls working as domestic servants or nannies denied them access to education and mistreated them (*see* Section 6.c.). Employers sometimes filed false charges of robbery against those who sought to leave domestic jobs and turned them over to the police. In rural areas, children as young as 10 years of age often worked beside their parents in the field; 88 percent of rural children in the labor force worked at home or with family members, according to Coeti. Local human rights groups did not regard families harvesting crops together as an abuse of child labor.

In August more than 500 child and adolescent workers gathered to protest adoption of ILO Convention 138, which established for the first time a minimum working age (14).

e. Acceptable Conditions of Work.—The executive, through the Ministry of Justice and Labor, has established a private sector minimum wage sufficient to maintain a minimally adequate standard of living for a worker and family. There was no public sector minimum wage. In practice most (but not all) government agencies adjust the hours of work for government workers to be paid at a rate comparable to the private sector minimum wage. The minimum salary is adjusted whenever annual inflation exceeds 10 percent, and it was approximately $136 (876,168 guaranies) per month at year's end, according to the Ministry. However, the Ministry was unable to enforce the minimum wage and estimated that 50 percent of workers earned less. The Labor Code requires that domestic workers be paid at least 40 percent of the minimum wage and allows them to work up to a 12-hour day.

The Labor Code allows for a standard legal workweek of 48 hours (42 hours for night work), with 1 day of rest. The law also provides for an annual bonus of 1 month's salary and a minimum of 6 vacation days a year. The law requires overtime payment for hours in excess of the standard. However, many employers violated these provisions in practice. There are no prohibitions on excessive compulsory overtime. Workers in the transport sector routinely staged strikes to demand that their employers comply with the Labor Code's provisions on working hours, overtime, and minimum wage payments.

The Labor Code also stipulates conditions of safety, hygiene, and comfort. The Government did not devote sufficient resources to the Ministry of Justice and Labor and the Ministry of Health to enforce these provisions effectively.

Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their continued employment, but they may not do so until such conditions were recognized formally by the Ministries of Justice and Labor and Health. Although there are laws intended to protect workers who file complaints about such conditions, many employers reportedly took disciplinary action against them.

f. Trafficking in Persons.—The Constitution proscribes and the Penal Code criminalizes trafficking in persons, but there were sporadic reports of trafficking to and from the country for sexual purposes.

The Penal Code punishes trafficking in persons with up to 10 years in prison; the code also outlaws compelling anyone to travel outside of the country or to enter the country for the purpose of prostitution or compelling a minor under 18 years of age to work as a prostitute. There were no documented prosecutions against traffickers. The Government's Secretariats of Women's Affairs, Children's Affairs, and Social Action maintained an interest in trafficking.

In July the ILO completed a study of the sexual exploitation of persons in the area near Itagua bordering Argentina and Brazil. The survey observed children as young as 8 years of age involved in prostitution, many to supplement their families' incomes (*see* Section 5). The survey was part of the ILO's 4-year program to identify and remedy the social and legal problems leading to abuses in the region.

In September and October, the newspaper Noticias published a series of anecdotal articles about children working as prostitutes in Asuncion, Ciudad del Este, Ita, and other towns; they often were recruited by boyfriends and older relatives or were runaways.

Because there were no government investigations of trafficking, there was no information regarding methods used or persons responsible.

The NGOs Luna Nueva and Global Infancia monitored trafficking situations that affected women and children and provided assistance to victims.

PERU

Peru is a multiparty republic that recently emerged from a decade of authoritarian government and is undergoing a process of democratic transformation. In November 2000, President Valentin Paniagua took power and led a transition government after then-President Alberto Fujimori resigned and was dismissed from office. The Government held elections in April and June 2001, which observers considered to be generally free and fair. Alejandro Toledo of the Peru Posible party won the presidential runoff election with approximately 53 percent of the vote and was inaugurated in July 2001. The Constitution provides for an independent judiciary; however, the judiciary widely was considered corrupt and was subject to pressure from

the executive over controversial decisions favoring members of the Fujimori government. The Government continued judicial reform efforts.

The Peruvian National Police (PNP) and the military shared responsibility for internal security; they were under effective civilian control. Members of the security forces committed some serious human rights abuses.

Over the last decade, the Government transformed a heavily regulated economy into a market-oriented one. The country's population was approximately 27 million. Gross domestic product grew 4.8 percent during the year, compared with only 0.2 percent growth in 2001. Inflation, which was 0.1 percent in 2001, stayed under 1.5 percent during the year. Major exports include copper, gold, and other minerals, fishmeal, textiles, and agricultural products. Close to 54 percent of the population lived in poverty, earning less than $1.25 per day; about 15 percent of the population lived in extreme poverty, unable to meet the most basic food, shelter, and clothing requirements.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were allegations of unlawful or unwarranted killings by police, and one military recruit died as a result of abuse by superior officers. Police tortured, beat, and otherwise abused detainees. Prison security forces abused inmates. Torture and abuse of military recruits continued. Impunity remained a problem, and security forces sometimes harassed victims or other witnesses to keep them from filing charges. Overall prison conditions remained poor and were extremely harsh in maximum-security facilities. There continued to be reports of arbitrary arrest and detention. Pretrial detention continued to be prolonged, and trials were frequently subject to inordinate delays. Despite extensive changes to reduce executive dominance over the judiciary, problems persisted, including the general inefficiency of the system. Press freedom improved and greater public attention was focused on the need for a free press, although strong suspicions remained of isolated attempts by the Government to influence the media by threats of legal or judicial action. Violence and discrimination against women continued. Violence against children and discrimination against persons with disabilities, indigenous people, and racial and ethnic minorities remained problems. Labor advocates argued that labor laws and practices restricted freedom of association and collective bargaining rights, but a December law addressed some of these problems. Child labor remained a serious problem in the informal sector. Peru was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The terrorist organization Shining Path (Sendero Luminoso) was responsible for killings and other abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of politically motivated killings by government agents. There were a few allegations of unlawful or unwarranted killings by police. One military recruit died after being tortured by superior officers.

In April police detained Andy Williams Garces during a police surveillance operation in Piura. One officer allegedly shot Garces, who fell into a river. Police claimed that Garces jumped into the river, swam to the other side, and escaped. An investigation began, but no charges have been filed, as Garces' body was not found.

On July 2, three members of a Lima municipal patrol unit and one PNP officer detained Jose Reina Rincon, a bullfighter from Spain. Two of the municipal guards beat Reina to death, and the four men then dumped Reina's body at a beach near Lima. The authorities charged two of the municipal guards with homicide and one guard along with the PNP officer as accomplices. The investigation continued at year's end.

In October a prosecutor in Arequipa accused 24 police officers with killing 2 persons, Fernando Talavera Soto and Edgar Pinto Quintanilla, who died after being hit with teargas canisters during the Arequipa protest (*see* Section 2.b.). The authorities charged the officers with negligent homicide; at year's end, no trial had begun.

According to the Human Rights Commission (COMISEDH)—a nongovernmental organization (NGO)—and a congressional subcommittee looking into killings, torture, and mistreatment of young soldiers, there was one report of a military recruit killed in Iquitos after being tortured. An autopsy revealed that Pitter Rengifo Vasquez was severely beaten before being killed allegedly by superior officers in June.

On September 17, a Cajamarca department mayor and candidate for reelection, Joselito Fernandez Perez, was murdered. Fernandez Perez was part of the National Unity ticket, a nationwide, center-right umbrella group headed by 2006 presidential hopeful Lourdes Flores. Flores and other National Unity leaders claimed the murder was politically motivated, particularly as two other National Unity activists were shot in the same locality. Police arrested rival mayoral candidate Jose Fernandez Cabana, an independent, in connection with the murder. This appeared to be an isolated incident of election-related violence; an investigation was underway at year's end.

For the first time, in August a court sentenced officials for human rights crimes. In the case of the killing in 2000 of Alejandro Damian Trujillo Llontop, the court sentenced PNP Lieutenant Cesar Gomez Cassani and six other officers to 8 to 10 years in prison for human rights violations related to disappearance, torture, and murder. In early 2001, the officers were tried for Trujillo's murder, but a judge determined that errors occurred during the deposition process and subsequently released them. The prosecutor later brought charges against the policemen for the human rights crime of forced disappearance (*see* Section 1.e.).

In August the Supreme Court ruled that jurisdiction over 15 military commandos who led the 1997 hostage rescue operation at the Japanese ambassador's residence rested with the military court system. The Supreme Court supported its decision to send the case to the military court saying that the mission was carried out under a presidential order during a state of emergency. The Court ruled that four others—former Intelligence Service Director Vladimiro Montesinos, former Armed Services Chief General Nicolas Hermoza, Colonel Roberto Huaman, and Colonel Jesus Zamudio—were subject to civilian criminal court jurisdiction. The ruling came after an investigation into reports that the military executed Tupac Amaru Revolutionary Movement (MRTA) rebels in the aftermath of the rescue operation. At issue was whether the officers followed an order to kill any MRTA survivors, allegedly given by Montesinos and authorized by former President Alberto Fujimori. At year's end, the trials were pending.

There were no developments in the cases of Juan Carlos Campos Valentin and Graciano Rufino Martinez, who escaped from Challapalca prison and were subsequently killed by prison officers in February 2001.

In February an investigation by the prosecutor's office in San Juan de Lurigancho discounted accusations of torture and homicide and determined that inmate Felipe Davila Gamarra died as a result of injuries he received during an fight with other inmates in February 2001. The case was closed.

Initial trial proceedings were underway in civilian court against four police officers and a military lieutenant in the May 2001 case of Jenard Lee Rivera San Roque, who died after being detained and allegedly tortured and beaten. Amnesty International stated that the police attempted to prevent Rivera's family and neighbors from bringing to justice the officers responsible for his torture and death. COMISEDH had asked that the trial not be assigned to a military court.

There was no new information in the June 2001 case of Nazario Victor Valencia Porras, who died after police took him to the Matucana police station as a robbery suspect.

When charges were dropped after the prosecutor's office in Tacna accused six National Prison Institute (INPE) officers of killing Guillermo Navarro Rospigliosi in August 2001, COMISEDH objected to the dismissal of charges, and an investigation was underway at year's end.

Initial trial proceedings were underway against two police officers and a taxi driver for the crimes of torture and grave injuries followed by death in the killing of Cesar Augusto Ayaucan Argedes in August 2001. COMISEDH appealed to have the officers detained during the trial, but the decision from the appeals court was pending.

In December 2001, a judge sentenced PNP officer Idelso Murrugarra Casimiro to 4 years in prison and fined him $860 (3,000 soles) for beating and killing Carlos Lopez Flores.

In the case of Mario Clemente Guillen Mendez, a court in Chincha acquitted five police officers in December 2000; they were accused of torture that led to his death. The victim's family filed an appeal, and the case went to the Supreme Court in January 2001.

Military service was no longer mandatory, but mistreatment of military recruits continued to be a problem (*see* Section 1.c.). Initial trial proceedings began regarding the case of recruit Ronald Enrique Pena Garcia, killed in 2001. An air force lieutenant and two noncommissioned officers were under investigation for homicide. There were no developments in the cases of Percy Cusihualpa Franco and Isaias Yanac Rodriguez, two military recruits who died in 2001 under suspicious circumstances.

Initial trial proceedings continued in the case of Juan Carlos Aliaga Mera, a former crewmember in President Fujimori's presidential plane who was found dead in the Callao Air Group 8 Complex. His body had a bullet wound in the head and, according to the family, showed signs of brutal torture.

Initial trial proceedings began during the year against two police officers for the crime of torture, among other charges, of Nelson Diaz Marcos, who died after police in Tacna arrested him on charges of public intoxication in 2000.

After an investigation and exhumation of the body in the case of recruit Jose Luis Poma Payano, the prosecutor charged three air force officers with homicide for his 2000 death. In June initial court proceedings began, and a trial was underway. COMISEDH issued an appeal because the prosecutor was not trying the officers for the crime of torture. No decision had been reached on the appeal by year's end.

The authorities closed the case of Marino Fernandez Sanchez, who died in 2000 after allegedly having been tortured by military officials, as the cause of death was determined to be a severe case of malnutrition.

In August 2001, Congress voted unanimously to remove former President Fujimori's immunity from prosecution as a former head of state. In September 2001, Fujimori was indicted on charges of murder, causing grave injuries, and responsibility for persons who disappeared in relation to the La Cantuta and Barrios Altos killings (*see* Section 1.b.). Both events were attributed to the La Colina death squad, allegedly formed by members of army intelligence. Fujimori remained in his parents' native Japan, where he fled in 2000. As a Japanese citizen, he was protected from extradition. The Government continued to pursue a diplomatic solution in order to return Fujimori to be tried in court.

The Government continued in its efforts to arrest members of the La Colina group. On November 18, the PNP arrested former Army death squad leader Santiago Martin Rivas in Lima. Rivas led the La Colina death squad that operated against suspected terrorists during the Fujimori regime and was believed responsible for at least 25 killings, including the murders of 9 students and a professor at La Cantuta University in 1992 and 15 persons in the Barrios Altos section of Lima in 1991. Rivas had eluded capture since 2001 when the Inter-American Human Rights Court overturned Fujimori's commutation of a 20-year sentence handed down in 1995 for the La Cantuta killings. At year's end, initial trial proceedings were underway. The authorities arrested two other La Colina members during the year.

In April the Government paid almost $3 million (10.5 million soles) in reparations to families of the Barrios Altos victims, in compliance with a ruling by the Inter-American Commission on Human Rights (IACHR).

In December the Inter-American Court of Human Rights ruled that the Government must investigate, try, and sanction those responsible for the 1986 massacre of inmates at El Fronton jail. In October the Supreme Council of Military Justice had upheld the exoneration of members of the military who ended terrorist-instigated riots in three prisons at a cost of over 200 lives. The El Fronton case was brought to the Inter-American Court by relatives of two dead inmates who later were found innocent of the terrorism charges on which they had been jailed.

In November 2001, the Ombudsman turned over to the Truth and Reconciliation Commission evidence of human remains in 51 mass graves, more than half of which were located in the Ayacucho area. During the year, the commission observed the Public Ministry's exhumations of two common graves near Ayacucho as part of its investigation into the political violence between 1980–2000 (*see* Section 4). The exhumations served to identify victims, return victims' remains to their families, and search for clues to identify those responsible for the killings. On December 7, the commission issued its first official report, which detailed a massacre where soldiers allegedly tortured and killed eight peasants in Chuschi, near Ayacucho, on May 17, 1980. The report was turned over to the Attorney General for further action.

Sendero Luminoso terrorists killed 11 persons during the year in the course of 154 acts of violence. There were two significant bombings, both attributed to Sendero Luminoso. On March 20, terrorists detonated a car bomb in a Lima suburb that killed 10 persons and injured 38. Earlier the same day, alleged terrorists detonated a bomb at a branch office of the Spanish-owned Telefonica company in downtown Lima; no injuries were reported and the facility received only minor damage. Police arrested eight Sendero Luminoso terrorists in relation to the car bombing.

In January members of the native Aguaruna community attacked settlers living on land claimed by the Aguaruna. A court order required the settlers to vacate the land in the northern area of Cajamarca, but the order was not enforced and the settlers returned. The indigenous group killed 35 settlers, including men, women, and children, and injured dozens in the ambush.

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

In May the Ombudsman's office reported that there were 6,089 cases of forced disappearance between 1980 and 2000, which were among the human rights abuses under investigation by the Truth and Reconciliation Commission (*see* Section 4). The Ombudsman's office noted that the Sendero Luminoso or Tupac Amaru rebels abducted the majority of the victims, mainly indigenous peasants.

Few members of the security forces were accountable for their role in disappearances, and impunity remained a problem.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the law prohibit torture and inhuman or humiliating treatment; however, in practice torture and brutal treatment by the security forces continued to occur. Abuse of individuals in police custody and inmates in prison by security forces continued to be a problem, as did torture and abuse of military recruits. Impunity was a problem, and the authorities who committed such abuses seldom were held responsible. A June Amnesty International report on torture called on the authorities to take decisive action to eradicate torture and to correct the problem of impunity.

Torture most often took place immediately following arrest. Torture was common during police detention when families were prohibited from visiting suspects being held incommunicado, and when attorneys had only limited access to them (*see* Section 1.d.). During the year, there were two cases of suspects dying following torture or beatings by security officials (*see* Section 1.a.).

In some cases, the police and security forces threatened or harassed victims, their relatives, and witnesses in an attempt to keep them from filing charges of human rights violations. According to Amnesty International and COMISEDH, several victims were too frightened to follow through with judicial proceedings against their abusers, who subsequently were released without being charged. COMISEDH reported 8 cases of aggravated torture by security forces, compared with 36 in 2001 and 35 in 2000.

In past years, abuse was particularly common in police cells operated by the National Counterterrorism Directorate (DIRCOTE) and in detention facilities on military bases, where terrorism and treason suspects normally were held. Psychological torture and abuse, which resulted from the harsh conditions in which detainees were held, were more characteristic of the prisons.

On January 12, 20 police officers from the Cotabambas Police Station tortured Renzo Vega Hidalgo. The police had arrested several youths living in a poor settlement called "La Casona." Vega, who was 19 years of age, resisted arrest and was beaten with a stick. He lost an eye during the beating. An investigation was underway.

On August 24, police officers in Callao arrested Omar de la Cruz for alleged involvement in a robbery. After giving his statement, several police tortured him using rubber batons. Family members reported to COMISEDH that de la Cruz had injuries on his head and neck and a burn on his waist. An investigation was underway at year's end. COMISEDH reported that the victim's family refused legal assistance due to fear of retaliation.

In November police in Chaclacayo detained Jair Martin Rodriguez and his brother after a series of fights in their home and in the neighborhood. Six police officers allegedly beat Rodriguez when he resisted being put into a cell. Rodriguez required surgery to repair damage to a finger. At year's end, an investigation had begun.

There were no updates in the May 2001 case of inmate Teobaldo Pozo Tupayachi, beaten at the Quencoro prison.

There were no new developments in torture cases from 1999 and 2000 involving the following victims: Catalino Daga Ruiz, Bernardo Daga Ruiz, Mario Jimenez Roque; Julio Armando Uribe, and Victor Valle Cabello. No further investigations into these cases were expected.

Amnesty International reported that in the 1999 case of torture and subsequent death of Moises Paco Mayhua, a judge in Puno ruled that there was evidence of torture. The two police officers allegedly implicated in the torture and murder were still on active duty in another district. Judicial hearings had begun, although the two police officers had not yet appeared before the court.

In the case of Amador Carmen Canchaparan, whom military officials arrested and allegedly tortured on a military base in 2000, COMISEDH reported that a criminal court was expected to try army Major Max Espinoza Sanchez for abuse of authority.

The Legal Defense Institute reported that in the case of the 1998 torture of Raul Teobaldo by five naval officers, only one officer appeared for the trial in Ucayali. He was sentenced to 6 years in prison for abusing Teobaldo but appealed his sentence to the Supreme Court in Lima where all charges against him were dropped. At year's end, arrest warrants were outstanding against the remaining four officers.

There were no developments in the case of journalist Fabian Salazar during the year. The IACHR accepted the case in 2001.

In September 2001, the Government acknowledged the infringement of the rights of military intelligence officer Leonor La Rosa by four of her colleagues who beat and tortured her in 1997. The Government awarded her financial compensation in 2001. During the year, one congressman and several military officials questioned La Rosa's claim that her physical impairments (she is confined to a wheelchair) occurred as the result of torture. In October two retired military officers, accused by La Rosa of torturing her in 1997, were released from prison after submitting writs of habeas corpus through the civilian court.

As in previous years, NGOs and the Human Rights Ombudsman received complaints that the military beat or otherwise mistreated some members of the military service. Mistreatment of military recruits continued to be a problem. There were five reported incidents of torture of military recruits, one of which resulted in death (*see* Section 1.a.). At year's end, a congressional subcommittee continued to look into killings, torture, and mistreatment of young soldiers.

In January in Andahuaylas, a superior officer allegedly beat Freddy Cardenas Maucaylle in punishment for poor performance during a firing range exercise. Cardenas lost the use of his hand as a result of the beating, but chose not to make a formal accusation against the superior officer.

In July three superior officers allegedly drugged and sexually assaulted soldier Rolando Quispe Berrocal in an Ayacucho barracks. The authorities held the accused officers in a military prison and charged them with torture; a trial in civil court was pending at year's end. In August a military court gave a 30-day suspended sentence in solitary confinement to Quispe Berrocal and ordered him to pay $430 (1,500 soles) in damages to the State and the military for making false statements. Human rights advocates disputed the court's ruling and accused military officers with obstruction of justice in this case.

In August superior officers allegedly raped recruit Edison Huamacto Marivas. Although an investigation was underway in Lima, the victim decided to drop the charges in order to avoid further press attention and to forget what happened. The perpetrators were not identified.

In October in Piura, a superior officer allegedly kicked and beat soldier Noe Moises Canales Salazar until he was unconscious after finding him sleeping during guard duty. Canales suffered severe internal injuries as a result of the beating and underwent two surgeries. At year's end, the case was pending and to be tried in civilian court.

The authorities concluded an investigation in the 2001 case of Frank Alfredo Romero Arrieta, a military recruit who was beaten by officers and left with serious spinal cord damage and unable to walk normally, and charged five officers with torture. Although initial trial proceedings had begun, a military court opened a parallel trial during the year, charging the officers only with abuse of authority. COMISEDH appealed to the judge in charge of the proceedings to deny venue to the military judge.

Citizens at times took the law into their own hands, meting out severe physical punishment to persons committing offenses such as robbery, burglary, rape, and child molestation.

Conditions were poor to extremely harsh in all prison facilities. About one-half of all prisoners were in facilities where the National Police had both internal and external control; the other half were in facilities under internal control of National Prison Institute guards and under external control by the police. Conditions were especially harsh in maximum-security facilities located at high altitudes. Low budgets, severe overcrowding, lack of sanitation, and poor nutrition and health care were serious problems. Prison guards and fellow inmates routinely victimized prisoners.

There were no reports of security forces killing inmates during the year. Human rights observers who monitored prison activity reported that torture and ill treatment of prisoners by security forces occurred during the year. Corruption was a serious problem among poorly paid prison guards, many of whom engaged in sexual abuse, blackmail, extortion, narcotics trafficking, and the acceptance of bribes in exchange for favors that ranged from providing a mattress to arranging an escape. Since prison authorities did not supply adequate bedding and budgeted only about $0.79 (2.75 soles) per prisoner per day for food, the families of prisoners typically had to provide for these basic needs.

Overcrowding and inadequate infrastructure hampered efforts to improve prison living conditions. The 81 prisons and detention facilities held 28,403 prisoners as of December. At Lima's San Juan de Lurigancho men's prison, the country's largest, more than 7,000 prisoners lived in a facility built to accommodate 1,500. Inmates in all prisons had only intermittent access to running water; bathing facilities were

inadequate; kitchen facilities remained generally unhygienic; and prisoners slept in hallways and common areas due to lack of cell space. Illegal drugs were abundant in many prisons, and tuberculosis and HIV/AIDS were reportedly at near-epidemic levels.

As of December, approximately 69 percent of all prisoners had not been sentenced (*see* Section 1.d.). Pretrial detainees were held together with convicted prisoners in most cases. Detainees held temporarily while awaiting arraignment in Lima were not provided with food. This temporary detention period lasted from a few hours up to 3 days. The detainees were not allowed outside for fresh air and had restricted access to bathrooms.

The International Committee of the Red Cross (ICRC) reported a shortage of trained medical personnel, unreliable and insufficient legal representation for prisoners, an insufficient number of social workers and psychologists, and a general lack of organization in prison administration.

According to human rights monitors, the Challapalca prison in Tarata, Tacna, seriously violated international norms and standards, particularly as a result of its isolation and high altitude. Located at 14,000 feet, Challapalca's freezing temperatures and oxygen-thin air had unavoidably detrimental effects on prisoner health. The prison could be reached only after an all-night bus ride from the nearest population center, limiting inmates' contact with family. To relieve some of the isolation, the ICRC funded periodic visits by families. Hospital care was 6 to 8 hours away, depending on road conditions, by overland transportation. Face-to-face consultations by inmates with their attorneys were rare. Isolation or punishment cells in this prison were extremely small and sometimes held two prisoners at a time. Despite continued pressure from national and international human rights groups, Challapalca remained in operation.

There were two serious hunger strikes in prisons during the year. Roughly 900 prisoners held on terrorism and treason charges in various facilities throughout the country staged a hunger strike from February 11 to March 13. Church officials managed to convince the prisoners to call off the strike. Human rights observers charged that the Government was slow to react in sending in medical personnel to attend to the prisoners as the strike progressed. In July a second hunger strike by nearly 90 percent of inmates in the Lurigancho prison protested harsh prison conditions and sentencing delays; it lasted 1 week. There were minor protests in various prisons throughout the year, but fewer in number than in the previous year. Two inmates were killed and 41 were injured during a violent confrontation between several cellblocks of armed inmates at Lurigancho prison in December. An investigation was pending at year's end.

Male and female prisoners were housed separately. In high-security prisons, female inmates were allowed to see their children once a week. In women's prisons, children 3 years of age and younger lived with their jailed mothers. There were also separate juvenile facilities, in which conditions were not as harsh as those in adult prisons.

The Government permitted prison visits by independent human rights observers, including the ICRC. Members of the Ombudsman's office were allowed to visit the naval facility in Callao for the first time in December 2000 and continued to visit it during the year (*see* Section 4). As of October, the ICRC made 140 visits to inmates in prisons, detention facilities, and juvenile detention facilities.

d. Arbitrary Arrest, Detention, or Exile.—There continued to be reports of arbitrary arrest and detention. The Constitution, Criminal Code, and antiterrorist statutes delineate the arrest and detention process. The Constitution requires a written judicial warrant for an arrest unless the perpetrator of a crime is caught in the act. However, the Organic Law of the National Police permits the police to detain a person for any investigative purpose. Although the authorities must arraign arrested persons within 24 hours, they occasionally violated this requirement. In cases of terrorism, drug trafficking, or espionage, arraignment must take place within 30 days. Military authorities must turn over persons they detain to the police within 24 hours; in remote areas, this must be accomplished as soon as practicable. However, the authorities sometimes disregarded this requirement. Police abuse of detainees was a problem, and the abuse usually took place at the police station just after the arrest, while the detainee was held incommunicado (*see* Section 1.c.). A 2000 law allows the authorities to detain suspects in investigations for corruption for up to 15 days without arraignment. The law also permits the authorities to prohibit suspects under investigation for corruption from traveling abroad.

Detainees have the right to a prompt judicial determination of the legality of their detention and adjudication of habeas corpus petitions. In the past, judges denied most requests for such hearings. During the year, about 400 prisoners accused of treason related to terrorism offenses filed petitions for habeas corpus. They argued

that they were convicted by hooded or "faceless" military courts and requested new trials in civilian court. Judges accepted a few petitions and ordered that prisoners be retried in civilian court, such as in the case of Maritza Garrido Lecca, who was arrested along with Sendero Luminoso leader Abimael Guzman. The prisoners' demands were based on Inter-American Court and Constitutional Tribunal rulings that sentences imposed by the military courts under the 1979 Constitution were illegal. However, such sentences imposed in cases brought after the 1993 Constitution was adopted remain valid (*see* Section 1.e.).

Police may detain terrorism and treason suspects for a maximum of 15 days and hold them incommunicado for the first 10 days. Treason suspects, who are handed over automatically to military jurisdiction, may be held incommunicado for an additional 30 days. When suspects were held incommunicado, attorneys had access to them only during the preparation and the giving of sworn statements to the prosecutor.

Many detention orders remained pending against roughly 4,000 persons allegedly forced to join terrorist groups; however, in May 2001, Congress passed a law that allowed the detention orders to be changed to summonses to appear in court if requested by the person named in the order. Legal experts and NGOs reported that the law was not effective, and fewer than 50 individuals had appeared before the court to make the request, reportedly because they were distrustful of the judicial process and feared arrest.

As of December, approximately 31 percent of a total prison population of 28,403 were sentenced, according to INPE statistics. About 50 percent of the prison population remained incarcerated in Lima; of these, 56 percent had been convicted but remained unsentenced. The IACHR and the U.N. Commission on Human Rights expressed concern about the large number of unsentenced prisoners. There was no progress during the year to reduce lengthy sentencing delays.

According to the INPE, the elapsed time between arrest and trial in civil, criminal, and terrorism cases averaged between 26 and 36 months, during which time suspects remained in detention. Those tried by military courts on treason charges generally did not have to wait more than 40 days for their trial; however, as trial procedures in military courts lacked full due process protections, the speed with which trials were conducted offered little benefit to the defendants. Once trials concluded, prisoners often had to wait long periods before being sentenced.

Many individuals associated with the Fujimori administration were the targets of criminal investigations. Anticorruption legislation enacted in 2000 gave judicial authorities expanded powers to detain witnesses and suspects. Many of those detained under these laws complained that the cases against them were politically motivated.

The Constitution does not permit forced exile, and the Government did not use it in practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, as an institution, the judiciary was still recovering from the effects of 8 years (1992–2000) of intensive manipulation by the executive branch under the Fujimori administration. The judiciary was seen widely as the most corrupt institution in the country. It operated independently of the executive, although President Toledo expressed strong concerns about judicial decisions dismissing charges of human rights violations and corruption against members of the former Fujimori government. Judicial reform continued to be a priority of the Government.

The 4-tier court structure consisted of lower and superior courts, a Supreme Court of 30 judges, and a Constitutional Tribunal of 7 members. In 2000 Congress restored the powers of the independent National Magistrates Council (CNM) to appoint, discipline, and evaluate all judges and prosecutors who have served in their position for 7 years or more. Failure to be certified disqualified a judge or prosecutor from ever working in that capacity again. Several of the more than 100 judicial officials failing to gain certification filed complaints with the IACHR that this certification process was unfair.

Under former President Fujimori, the executive branch pressured provisional judges and prosecutors, as their employment contracts could be cancelled without cause. Subsequent investigations showed that former intelligence advisor Montesinos improperly influenced numerous judges. The majority of implicated officials either resigned or were suspended; at year's end, some were being prosecuted.

The justice system was based on the Napoleonic Code. In civilian courts, criminal cases moved through three distinct phases. First, a prosecutor investigated cases and submitted an opinion to a first instance judge, who determined whether there was sufficient evidence to open legal proceedings. If there was, the judge conducted an investigation and, in over 90 percent of cases, determined facts, guilt or innocence, and issued a sentence. In some cases, particularly those involving violence or public officials, the law requires that the first instance judge pass the results of

the investigation to the superior court for an oral trial before a three-judge panel. Anyone convicted and sentenced by a first instance judge may appeal to the Superior Court up to the Supreme Court. All defendants had the right to be present at their trial. Defendants also had the right to counsel, although the public defender system often failed to provide indigent defendants with qualified attorneys.

There was a presumption of innocence, defendants could call witnesses, and there was a system of bail. Attorneys had unimpeded access to their clients.

Under the military justice system, judges in the lower courts had the power to sentence and were required to pass judgment within 10 days of a trial's opening. Defendants could then appeal their convictions to the Superior Military Council, which had 10 days to make its decision. A final appeal may be made to the Supreme Council of Military Justice, which must issue its ruling within 5 days. At the Superior Military Council and Supreme Council levels, a significant number of judges were active-duty officers with little or no professional legal training.

When it resumed its mandate in 2000, one of the first acts of the Constitutional Tribunal was to remove jurisdiction over civilians accused of terrorism from military courts. By 2001 civilian courts were processing the cases of 152 of the approximately 600 civilians tried in military courts under the aggravated terrorism law, which equates terrorism with treason. Human rights groups and legal experts charged that vaguely worded definitions in the antiterrorism statutes often led judges to issue sentences disproportionate to the crimes committed. During the year, approximately 400 prisoners accused of treason related to terrorism offenses filed petitions for habeas corpus.

Following the August 2000 Military Supreme Court decision to nullify the terrorism conviction and life sentence of U.S. citizen Lori Berenson, a civilian court tried her case. In June 2001, that court found Berenson guilty of collaboration with the MRTA terrorist group and sentenced her to 20 years in prison. Berenson's appeal to the Supreme Court was unsuccessful, but the IACHR determined that Berenson had not been given a fair trial. In July the Government took the matter to the Inter-American Court; there was no indication when the Court might rule on the appeal.

In 2001 the Inter-American Court provided the Ministry of Justice a clarification of its 1999 ruling that two 1995 amnesty laws were incompatible with the American Convention on Human Rights. These exempted military officials from prosecution and were used to protect officers accused of the 1991 Barrios Altos massacre. Former intelligence adviser Montesinos faced more than 60 trials. Based on the clarification, the Government planned to bring other members of the security forces to justice in other human rights abuse cases (*see* Section 1.a.).

In June 1999, the Inter-American Court of Human Rights ruled against the Government in the case of four Chileans convicted of treason by a military tribunal and sentenced to life in prison. The Court found that the military had denied the defendants' due process rights and ruled that a civilian court should have had jurisdiction. In May 2001, the Supreme Council of the Military Court invalidated an earlier military court decision against providing new trials and ordered new, civilian trials for the four Chileans. As of year's end, the oral phase of the trial was expected to begin in early 2003.

A specialized terrorism chamber of the Superior Court handled terrorism cases. The chamber is based in Lima, but its judges travel to the provinces as needed. During the year, judges from this court traveled around the country to hear cases of persons with old warrants outstanding for terrorism charges (*see* Section 1.d.).

In late 2000, the Government established a new Pardons Commission, which released 32 persons from prison during the year. A total of 760 persons have been pardoned and released after being accused unjustly of terrorism since 1996. The original ad hoc Pardons Commission, with a mandate to consider applications of those who believed themselves to be accused unjustly of terrorism, ended its work on December 31, 1999. NGOs advocated that the new Commission expand its review to include all convictions and sentences rendered by military courts, but the Government had not made a decision on the matter at year's end. Approximately 1,500 cases were pending review.

In August the Government issued a supreme decree to award compensation to persons released from prison through the Pardons Commission program, as recommended by the Human Rights Ombudsman in 1999.

There were no reports of political prisoners. Sendero Luminoso and MRTA members charged with or serving sentences for terrorism were not considered to be political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution requires security forces to have a written judicial warrant to enter a

private dwelling. However, there were reports that the authorities did not always observe this requirement in practice.

The Constitution provides for privacy of communication. There were few complaints that the Government violated this right.

There was no progress in the case of former army intelligence (SIE) agent Luisa Margarita Zanatta Muedas, who fled the country in 1998, after allegedly providing information regarding SIE wiretapping operations. She was charged with disobedience and being absent without permission. In 1999 the Human Rights Ombudsman recommended that the Government pardon Zanatta, that the Public Ministry investigate the wiretapping, and that Congress broaden the investigation conducted by its committee on defense. At year's end, Zanatta's case was still under investigation and scheduled to be tried in a military court.

In April Congress passed a new wiretapping law that expanded the scope of officials who are authorized to request wiretapping permits to the attorney general, district attorneys, and case prosecutors. A judge must approve each request. The Government contended that the new law should aid in fighting organized crime, but opponents protested that it lends itself to civil rights violations.

A 2000 law makes military service voluntary and prohibits forced conscription. Registration for military service remains obligatory for men aged 18 and older. The President retains the authority to decree the reestablishment of mandatory service. Since past efforts to prohibit forced conscription failed, the Human Rights Ombudsman monitored the law's implementation. As of October, the Ombudsman's office had received eight complaints of forced conscription. There were also reports that some young men from poor, rural areas were taken into military service when they went to register; they were unaware that military service was no longer mandatory. Also, in some rural areas, families reported to human rights NGOs that their sons were taken into the military before they turned 18. According to NGOs, the military explained this by saying that young men who were eager to join their ranks sometimes lied about their age.

There were no reports of forced conscription by the MRTA (most of whose surviving members are jailed). Sendero Luminoso, however, continued to coerce indigenous persons to join its ranks (*see* Section 5).

In December the Ombudman's office reported that there were new problems involving abuses by family planning personnel during the year. There were isolated reports that women did not take the full 72 hours to consider their alternatives, as is required by law, before undergoing voluntary sterilization procedures. This was generally attributed to the fact that some women arrived at a clinic ready to give birth and requested the sterilization procedure be performed that day, rather than having to make arrangements to return to the clinic at another time.

Acting on allegations that more than 300,000 women were forcibly sterilized between 1995 and 2000 under the Fujimori administration, in October 2001, Congress directed the Commission on Health to investigate the voluntary surgical sterilization program. Earlier investigations of the allegations found that primarily during 1996–97, health workers in public hospitals and family planning clinics administered by the Ministry of Health had induced female patients to opt for sterilization by promising them food or another type of goods or services, or by not providing them with complete information about available alternatives.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected this right in practice; however, some problems remained. Although the general climate for freedom of the press improved, the Government harassed opposition journalists and those formerly with the Fujimori regime, using real or threatened judicial sanctions.

The press represented a wide spectrum of opinion, including those in favor of and in opposition to the Government. In the greater Lima area, there were 25 daily newspapers, 7 television stations, 65 radio stations, and 2 news channels on 2 commercial cable systems. There were numerous small provincial newspapers, television and radio stations. All were privately owned except for one government-owned daily newspaper, one government-owned television network, and two government-owned radio stations, none of which enjoyed a particularly large audience, although the television network covered the nation.

Several media executives remained jailed pending investigations of corruption charges stemming from media manipulation during the Fujimori regime. At the end of 2001, Eduardo Calmell, former director of the daily Expreso, fled the country after being released from prison on a habeas corpus writ. At year's end, two minority shareholders of TV Channel 2 and the chairman of TV Channel 10 remained in jail. Other television executives were fugitives from justice, including the major

shareholder and chairman of TV Channel 4, the major shareholder of TV Channel 5, and the chairman of the board of TV Channel 9.

In May the authorities placed Alex and Moises Wolfenson, the publishers of pro-Fujimori tabloid El Chino and of opposition daily La Razon, under house arrest on corruption charges. On June 22, a radio station broadcast a tape in which Salomon Lerner Ghitis, the chairman of the Government-owned Financial Corporation for Development and a government insider, threatened Alex and Moises Wolfenson with judicial proceedings and jail time should they continue to criticize the Government. In September a court ratified the house arrest.

On August 1, an anticorruption judge found daily newspaper El Tio and Editora Sport, S.A., the company that published opposition dailies La Razon and El Chino, and El Men, guilty of corporate embezzlement for the dealings their publishers Jose Olaya and Moises Wolfenson had with Vladimiro Montesinos.

At year's end, the Government had not yet paid the compensation that the Inter-American Court ordered in February 2001 to Baruch Ivcher for violating his nationality, ownership, due process, and freedom of expression rights. On June 20, Congress passed a law accepting an arbitration procedure to fix the amount of compensation obtained in such proceedings, and the executive approved the law on July 7.

In January President Toledo freed reporter Pedro Carranza, whom the Fujimori administration accused of being an MRTA member and jailed for 8 years. Two reporters, Juan de la Matta and Javier Tuamana, were still in prison, also accused of terrorism by the Fujimori government.

In April an anticorruption judge declared Channel 4 corporately responsible in the corruption proceedings against owners Jose Enrique Crousillat and Jose Francisco Crousillat, a decision upheld by the anticorruption criminal court in September. The Government's special prosecutor also requested that Channel 5, the Expreso newspaper, Si magazine and other formerly pro-Fujimori media be held corporately responsible in the proceedings against their owners. The authorities declared that Jose Francisco Crousillat, as well as his father, Jose Enrique Crousillat, were fugitives, which invalidated any statute of limitations on their corruption charges. In August and September, the court held daily tabloid Expreso, TV Channel 5, and TV Channel 4 corporately responsible for their owners' corruption charges.

Throughout the year, Genaro Delgado sought to regain control of Panamericana Television (Channel 5) through the courts, arguing that he was the majority stockholder. The officers of Panamericana Television cast the case as an affront to press freedom and accused President Toledo of intervening with the courts in Delgado's favor. The court eventually required Delgado to secure his claim by posting bond. He could not do so, and the case remained pending in the courts at year's end.

A few journalists and media outlets were reportedly intimidated during the year. According to the National Journalists Association (ANP), 60 cases of harassment were reported through September, mainly in the provinces. The majority of these incidents took the form of threats of violence; threats of judicial proceedings; and charges of slander from local politicians, police, military officials, or businessmen.

On February 4, Army specialist and Chepen military recruitment officer Cristobal Cardenas-Lazaro and photographer Ramon Bazan-Quiroz physically and verbally assaulted Hector Enrique Chavarry-Carahuatay, producer of the news program "Democracia" on the Frequencia Popular radio station in Chepen. Those involved in the attack said it was in retaliation for Chavarry-Carahuatay's frequent news stories on corruption involving the chief of the Chepen military recruitment office, who had allegedly been soliciting bribes from citizens applying for military identification cards.

Also on February 4, producer Edmundo Gutierrez-Saldivar and host Bertha Chacon-Diaz of the program "Presencia Regional Noticias," on the Oasis radio station in Quillabamba requested a personal protection order from deputy police chief for La Convencion province, in response to recurrent death threats from Army Major Jaime Llanos-Barron. Gutierrez-Saldivar and Chacon-Diaz reported that they had been followed for several days.

On August 13, a crowd of President Toledo's supporters met the President and his wife with signs and handouts insulting opposition media, calling them "Montesinos's jackals" and accusing them of working to destabilize the Toledo administration. On August 14, anchorman Beto Ortiz showed in his Channel 2 TV program that a governmental organization published and distributed the handouts to the public at the airport.

In September Gente magazine alleged being pressured by the Government for having published material about the second wedding between President Toledo and his wife. On October 9, the anticorruption judge Sara Maita opened an investigation

against Gente publisher Enrique Escardo for Gente's having supported the 1996 government decision to withdraw Baruch Ivcher's citizenship.

On October 24, a group of police officers allegedly used tear gas and beat a number of reporters in front of the Congress, where they were covering an event. Four journalists were injured, one of whom was hospitalized. The Interior Minister promised an investigation, as did President Toledo when he addressed the Inter-American Press Association the next day.

The Government did not formally censor the media, although fears of generating unwelcome government attention encouraged journalistic self-censorship. The Government did not censor books, publications, films, or plays.

The Government did not limit access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the authorities generally respected this right in practice. The police used tear gas and occasionally force to disperse protesters in various demonstrations during the year. The law does not require a permit for a public demonstration; however, organizers must inform the Ministry of Interior's political authority (Prefect) about the kind of demonstration and its location. Demonstrations could be prohibited for reasons of public safety or health. Municipal authorities routinely granted permission for demonstrations.

Political rallies were unimpeded throughout the regional elections campaign process. There were two incidents of violence targeted at members of the National Unity Party in the Cajamarca area. An independent, rival candidate was arrested for the murder of a National Unity mayor from the Cajamarca area (*see* Section 1.a.).

Although most demonstrations were peaceful during the year, protests in Arequipa, Tarapoto, Aguatia and other areas turned violent with rock-throwing, tire-burning, looting, and other damage to public and private property. In June the Government declared a 30-day state of martial law in Arequipa following violent and destructive citywide protests against energy-sector privatization plans. Similar although smaller and less destructive protests in support of Arequipa's privatization protest took place June 17 and 18 in the southern cities of Moquegua, Juliaca, Cusco, and Tacna, where injuries and property damage were reported. In October a prosecutor in Arequipa accused 24 police officers with killing Fernando Talavera Soto and Edgar Pinto Quintanilla, who died after being hit with tear gas canisters during the Arequipa protest (*see* Section 1.a.). The officers were charged with negligent homicide; no trial had begun at year's end.

On July 17, protests by coca farmers turned violent as they ransacked an antinarcotics NGO's office and then burned equipment and vehicles in Aguaytia. Other groups blocked major highways with rocks and debris during the year to protest the Government's financial policies. According to human rights observers, the police generally maintained order during the year without using excessive force.

There were over 3,000 protests by workers asking for higher wages and by disgruntled citizens pressing various social and economic demands. According to labor advocates, groups were able to express their opinions publicly, while the National Police generally maintained order in a lawful manner. Police occasionally used tear gas against protesters. Police arrested some protestors during the year for violent or destructive offenses.

The Constitution provides for freedom of association, and the authorities generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the Catholic Church received preferential treatment from the State. The Constitution establishes the separation of church and state, but it also acknowledges the Catholic Church's role as "an important element in the historical, cultural, and moral development of the nation." The Catholic Church and Catholic clergy received preferential treatment and tangible benefits from the State in the areas of education, taxation of personal income, remuneration and taxation of institutional property. Teaching about Roman Catholicism in primary and secondary schools was mandatory. By law, the military could hire only Catholic clergy as chaplains, and Catholicism is the only recognized religion of military personnel.

All faiths were free to establish places of worship, train clergy, and proselytize. Religious denominations or churches were not required to register with the Government or apply for a license. Conversion from one religion to another was allowed, and missionaries could enter the country and proselytize.

The Freedom of Conscience Institute (PROLIBCO), an NGO that favored strict separation between church and state and opposed the preferential treatment accorded to the Catholic Church, claimed that the Government discriminated against

non-Catholic groups by requiring payment of import duties and a sales tax on Bibles brought into the country. In May 2001, the Jehovah's Witnesses claimed that the Government denied them tax exemption for imported Bibles and other religious educational material. In April they filed two legal actions to uphold their right as a nonprofit educational entity to be exonerated from payment of duties. In May a Superior court ordered the temporary suspension of the surety fees, but according to PROBLICO, by year's end the court had not made a final ruling in this case.

The Ministry of Education required all primary schools, both public and private, to follow a set Catholic religion course. Parents who did not wish their children to participate in the mandatory religion classes had to request an exemption in writing to the school principal. According to PROBLICO, there were some complaints that requests for exemptions were denied during the year. Non-Catholics who wished their children to receive a religious education in their own faith were free to organize such classes, at their own expense, during the weekly hour allotted by the school for religious education, but had to supply their own teacher.

PROLIBCO objected to the requirement to teach the Catholic religion in the school curriculum. It claimed that the alternatives available to non-Catholic parents violated the constitutional protection of privacy and confidentiality of one's convictions and beliefs. PROLIBCO supported an initiative by two nonsectarian (and antireligious) organizations, the Lima-based Movimiento Arreligioso Peruano and Masa Peru, to eliminate from the Constitution any reference to the Catholic Church. In addition, PROLIBCO was seeking to collect enough signatures to ask the Constitutional Court to rule on the 1980 Concordat signed with the Vatican that granted special status to the Catholic Church.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of free movement; however, the authorities legally may restrict persons with pending criminal and, in some cases, civil charges against them from leaving the country. Police could check travelers at control points throughout the country. There were no other political or legal constraints on foreign travel or emigration. Repatriates, both voluntary and involuntary, were not treated differently from other citizens.

The Constitution prohibits the revocation of citizenship. However, according to the Nationality Law, naturalized citizens may lose their citizenship for, among other reasons, committing crimes against the State, national defense, and public security, as well as for reasons that "affect the public interest and the national interest."

Sendero Luminoso occasionally interrupted the free movement of persons by setting up roadblocks in sections of the Upper Huallaga Valley and the Apurimac and Ene River Valleys.

Political violence in the 1980s and early 1990s resulted in the internal displacement of hundreds of thousands of persons and massive migration. Despite government and NGO efforts, many internally displaced persons (IDPs) lacked basic documentation, such as birth certificates and voter registration cards. The Government's program for the Repopulation and Development of Emergency Zones (PAR) provided documentation that can be used both to request PAR assistance to return to one's community of origin and to apply for a national identity card.

The law, which was updated in December, includes provision for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees in granting refugee status and recognized the Catholic Migration Commission as the official provider of technical assistance to refugees. The commission also advised citizens who feared persecution at home and sought asylum abroad. As of December, the Catholic Migration Commission reported that 83 individuals had requested refugee status. There were 58 persons who transited another country to ask for first asylum. The Government recognized 10 individuals as new refugees, and there were 784 refugees in the country. Refugees were allowed to live and work without restrictions and may apply for naturalization. The status of refugees was reviewed annually.

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

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

The Constitution provides for the right of citizens to change their government peacefully, and citizens exercised this right through free and fair elections.

In July 2001, President Alejandro Toledo assumed the presidency following a peaceful transfer of power through generally free and fair national elections held in

April and June 2001. Voting was by secret ballot and mandatory for citizens between the ages of 18 and 70; however, members of the armed forces and the police, as well as felons, were ineligible to vote. As of December, Congress was considering a bill that would give members of the armed forces and the police the right to vote. The law bars groups that advocate the violent overthrow of the Government from participating in the political process.

In 2000 the 120-member Congress approved the creation of multiple district representation for electing members to Congress, which was designed to provide better geographic representation. Following the April 2001 elections, the party breakdown in Congress was 45 seats, Peru Posible; 28 seats, APRA; 17 seats, Unidad Nacional; 13 seats, Decentralized Parliamentary Union; 11 seats, Independent Moralizing Front (FIM); 3 seats, Cambio 90-Nueva Mayoria; and 1 seat each for Solucion Popular, Renacimiento Andino, and Todos Por La Victoria. The length of a term in Congress is 5 years. The legislature functioned independently from the executive.

The Constitution establishes three bodies to administer elections: The National Board of Elections (JNE); the National Office of Electoral Processes (ONPE); and the National Registry of Identification and Civil Affairs (RENIEC). The JNE sets the legal parameters and rules on election-related disputes and challenges. The ONPE administers elections and the RENIEC issues election identity documents.

On November 17, over 12 million citizens cast ballots for regional and municipal officials. Regional governments did not exist in the political structure prior to this election. Election observers, including the Organization of American States, and the media agreed that the balloting and counting of votes were transparent, free, and fair. The new regional government officials were scheduled to take office in January 2003.

The November 17 elections were generally peaceful, although more than 40 violent incidents were reported, primarily in the interior of the country, including a confrontation between protesters and soldiers guarding voting materials that resulted in two deaths. A heavy police and military presence helped ensure order on election day. On election day, Sendero Luminoso guerrillas fired on a police unit in La Libertad department, but no one was injured. On November 15, Sendero Luminoso elements killed a PNP captain in a confrontation near Ayacucho.

In July 2001, the Judicial Branch reopened the investigation into the falsification of over 1 million voter signatures that occurred during the 2000 elections. The authorities brought charges against Jose Portillo, former chief of ONPE, for election fraud in relation to the falsified signatures. As of December, Portillo remained under house arrest and an investigation was underway.

Also in July 2001, Congress modified the election law. The percentage of signatures required for the registration of a new political party was reduced from 4 percent to 1 percent of the voters who participated in the past election. The modified law prohibits reelection of a president to successive terms.

In June Congress voted to suspend Congresswoman Martha Chavez from her congressional duties following allegations of corruption. She was a member of Fujimori's Cambio 90 party. Although not removed from Congress, Chavez was barred from participation in congressional activities. Her immunity from judicial proceedings was lifted as a result of the vote, and a trial was pending at year's end.

Women and some minorities participated actively in government and politics. A 2000 law states that at least 30 percent of each party's ballot for congressional elections, and at least 25 percent of candidates for municipal elections, must be from each sex. There were 21 women in the 120-member Congress. There was 1 woman in the 16-member Cabinet, the Attorney General was a woman, and there was 1 woman on the Supreme Court.

Traditionally, most leadership positions in government were held by an elite minority of European descent. President Toledo was the country's first elected president of mixed Caucasian and indigenous ancestry. However, it was rare for indigenous persons, who make up more than one-third of the population, to hold high public office. One member of the Aymara indigenous group served in Congress and was the head of the Committee for Indigenous and Afro-Peruvian Affairs until July.

The Afro-Peruvian minority, unofficially estimated to be 3 to 5 percent of the total population, was not represented in the leadership of the executive branch of the Government. There were three Afro-Peruvian members of Congress.

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

The Government permitted numerous NGOs dedicated to monitoring and advancing human rights to operate freely; unlike in previous years, these groups reported no harassment or other attempts by the authorities to hinder their operations.

Most human rights NGOs were independent and generally objective. The National Coordinator for Human Rights (Coordinadora) was an umbrella organization for more than 60 human rights NGOs. The Coordinadora sought to avoid politicizing its positions on human rights issues, although its constituent members could do so in their own names. A number of other human rights groups associated with the Catholic Church or with government institutions operated independently or on the margins of the Coordinadora.

The human rights community reported that the Toledo administration continued to work toward strengthening government-civil society relations. Toledo named former human rights advocate Gino Costa as Minister of Interior in July. Several other high level officials at the Ministry of Interior had strong human rights backgrounds. Unlike in previous years, government officials did not accuse NGOs of being overprotective of criminals and terrorists to the detriment of victims. There were some government complaints that the IACHR was overprotective of terrorists.

According to COMISEDH, military commanders occasionally did not grant access to military facilities to human rights observers. In December 2000, the Human Rights Ombudsman's office was granted access to the Callao naval base for the first time. The Ombudsman's office continued to have access to the prison at the Callao naval base, as well as other facilities during the year (*see* Section 1.c.). Not all government facilities provided access to the public; NGOs may work through the Ombudsman's office for information regarding a military facility.

The Office of the Human Rights Ombudsman received funds from the Government and foreign governments and was considered an independent and effective institution. Congress votes to select the Ombudsman, who must receive at least a two-thirds majority of votes and serves a 5-year term. The Ombudsman's office had investigative independence and the ability to inform the public of its conclusions and recommendations. However, the office had no enforcement mechanism other than moral suasion. The Ombudsman's office issued reports throughout the year on a variety of issues including forced disappearance, a compendium on legislation for victims of terrorism, family planning services offered by the Ministry of Health, and an annual report on the overall human rights situation.

At year's end, there was an interim Ombudsman. The former Ombudsman left office in 2000 to run for president in the April 2001 elections. On April 30, Congress tried to elect a new Ombudsman, but the vote failed to produce a required two-thirds majority. Human rights, political, and civil society leaders criticized Congress for its inability to come to consensus, thereby placing the institution in jeopardy. To improve the odds that Congress will be able to reach a consensus in the future, in September Congress changed the Ombudsman's law to provide that Congress may vote to invite an individual to run for Ombudsman, if at least 20 percent of Congress (24 members) vote to support that person's candidacy. Congress anticipated that with an initial backing of 20 percent of congressional members, a candidate would have a better chance of receiving the required two-thirds majority (80 votes).

In February 2001, the country returned to the jurisdiction of the Inter-American Court of Human Rights. In July 1999, the Fujimori government withdrew from the Court after the Court determined that the Government failed to provide due process in the case of four Chileans convicted of aggravated terrorism and treason by a military tribunal (*see* Section 1.e.).

In August the IACHR reported that the Government had not complied with Commission recommendations as it had promised to do in 159 cases of human rights violations from past years. In August the IACHR's Rapporteur for Peru visited the country to evaluate the Government's progress and was to present the findings of that visit before the Commission later in the year.

The Truth and Reconciliation Commission, established by former President Paniagua and strengthened by President Toledo, began work in November 2001. The commission has a mandate to analyze the political, social, and cultural conditions that fostered an era of violence between May 1980 and November 2000, during which more than 25,000 persons were killed and—according to the Ombudsman in May—6,089 persons disappeared. The commission also is to clarify abuses of human rights committed by terrorists and the State; locate the victims or their remains; determine individual or institutional responsibility for these violations; propose a system of reparations for the victims' families; recommend institutional, legal, and educational reforms; and propose initiatives designed to advance peace, the rule of law, national reconciliation, and democracy. The commission has no authority to prosecute alleged perpetrators. It collected testimony from 14,000 victims, victims' families, and other witnesses. The commission held dramatic and emotional public hearings during the year where survivors and family members of murdered or disappeared victims told of the violence inflicted by government and paramilitary

forces. On July 1, the Government announced that it had extended the commission's working period by 5 months, until July 2003.

There were no reports of Sendero Luminoso hampering the work of human rights observers.

Section 5. Discrimination Based On Race, Sex, Disability, Language, Or Social Status

The Constitution provides for equal rights for all citizens, and specifically prohibits discrimination based on ethnic origin, race, sex, language, opinion, or economic condition. However, discrimination against women, persons with disabilities, indigenous people, and racial and ethnic minorities persisted, although progress was made in a number of areas.

Women.—Violence against women, including rape, spousal abuse, and sexual, physical, and mental abuse of women and girls was a chronic problem. Such abuses were aggravated by insensitivity on the part of law enforcement and judicial authorities toward the female victims. A National Institute of Statistics and Information (INEI) survey reported that during 2000, 34 percent of women were battered by their partner, and that 19 percent of those women were battered frequently. The survey reported that close to 43 percent of poor women were battered. The Ministry of Women and Social Development (MIMDES) and NGOs agreed that many domestic abuse cases were never reported. Although official figures for the number of arrests and convictions in abuse cases were unavailable, NGO sources contended that the majority of reported cases did not result in formal charges due to fear of retaliation from the accused spouse, or because of the cost involved in pursuing a complaint. In addition, legal and physical protection was limited by delays in legal processes, ambiguities in the law, and lack of alternative shelter and income for victims.

The domestic violence law gives judges and prosecutors the authority to prevent the convicted spouse or parent from returning to the family's home; authorizes the victim's relatives and unrelated persons living in the home to file complaints of domestic violence; and allows any health professional to certify injuries. In 2000 Human Rights Watch called on the Government to improve legislation on domestic violence by eliminating mandatory reconciliation sessions between victims and abusers, and by providing law enforcement and social service providers with training to improve their sensitivity to victims' needs. In January 2001, Congress approved a law that states that reconciliation sessions between the abuser and victim are not required in cases of domestic violence. A 2000 law expanded the definition of domestic violence to include sexual violence, and to include all intimate partners whether or not the victim and perpetrator had ever lived together.

MIMDES ran the Women's Emergency Program, which focused on the legal, psychological, and medical problems facing women and children who were victims of domestic violence. As of August, MIMDES operated 36 centers staffed entirely by women, bringing together representatives of various government institutions—police, prosecutors, counselors, and public welfare agents—to which abused women might need recourse. As of August, these centers had assisted about 20,338 victims of domestic violence and abuse. The monthly average of reported abuse cases was approximately 2,500. MIMDES continued its public education campaign to sensitize government employees and the public to domestic violence. With NGO assistance, MIMDES educated police about domestic violence and trained officers in all police stations in processing domestic violence cases. The Human Rights Ombudsman's Office continued to complain that officers reacted indifferently to charges of domestic violence, even though the law requires all police stations to receive such complaints.

According to the Human Rights Ombudsman, many rape victims complained at court-appointed medical examiners inappropriately delved into their sexual histories. The victims accused judges of looking more favorably on rape victims who were virgins prior to the rape and of believing that a woman who was raped must have enticed her attacker. Many victims were afraid of personally filing a complaint of sexual abuse, particularly in cases where the perpetrators were police officers.

Prostitution is legal, but the law prohibits and sanctions activities of those who would obtain benefits from prostitution, such as pimps.

Sexual harassment was a problem, according to the Ombudsman's office. The law against sexual harassment does not provide for sanctions or sentencing but does give victims of sexual abuse the right to abandon their job and subsequently sue their abuser. Women's rights advocates contended that the law was completely ineffective, noting that it had never been applied in court. In October the Congressional Commission for Women and Social Development approved a bill that would prohibit sexual harassment in the public sector (military, police, etc.) and punish the offense.

In December the Ombudman's office reported that there were new problems involving abuses by family planning personnel during the year (*see* Section 1.f.).

Also in December, the Ombudsman's office reported that it had begun documenting cases of failure by the Ministry of Health to provide voluntary sterilizations to clients who sought such services at their facilities. The Ministry of Health criticized the Ombudsman's office for this statement.

The Constitution provides for equality between men and women, and 95 amendments to the Employment Promotion Law, as well as other laws relative to marriage, divorce, and property rights, prohibit discrimination against women. Racial and sexual discrimination in employment advertisements or announcements of educational opportunities were prohibited; however, they continued to occur in practice. In June 2001, the Constitutional Tribunal declared unconstitutional a 1998 law that stripped 3,000 policewomen of their ranks as officers. The law prohibits the arbitrary firing of pregnant women.

Traditional assumptions and misconceptions often impeded access by women to leadership roles in both the public and private sectors. Women primarily from the upper and upper-middle classes advanced in recent years into leadership roles in various companies and government agencies. Due to societal prejudice and discrimination, women historically suffered disproportionately from the country's pervasive poverty and unemployment.

Children.—The Government provides free, compulsory education through secondary school. Education was generally available throughout the country, but there was a shortage of qualified teachers, primarily in jungle regions. Fees for uniforms and books posed problems for poor families. Largely because of widespread poverty, approximately one-third of all school-age children and adolescents worked during daytime hours rather than attend school. Approximately 6 percent of children between the ages of 6 and 12, and 17 percent of adolescents between the ages of 12 and 17, either never attended school or abandoned their education. Among children and adolescents who lived in poverty or extreme poverty, the corresponding figures were 51 percent for children aged 5 to 9 years old and 50 percent for children aged 10 to 14. School nonattendance was highest in rural and jungle areas and affected girls more than boys. Pregnant school-age girls had the right to begin or continue attending school.

An INEI survey conducted during 2000 estimated that nearly 70 percent of the country's 10 million children under 18 years of age lived in poverty; of them, roughly 20 percent lived in extreme poverty. Approximately 25 percent of children under age 5 were malnourished. The infant mortality rate was 39 per 1,000. According to INEI, approximately 75 percent of children not living in poverty attended school through the high-school level, whereas only 43 percent of children living in poverty reached high school. Children living in poverty averaged only 4.5 years of education compared to 9.3 years for children living above the poverty line. Only 1.2 percent of children living in extreme poverty attained university-level education, compared with 25.6 percent of children who lived above the poverty line.

MIMDES's Children's Bureau coordinated child and adolescent related government policies and programs. At the grassroots level, 1,010 Children's Rights and Welfare Protection Offices received and resolved complaints ranging from physical and sexual abuse to child support, abandonment, and undetermined guardianship. Provincial or district governments operated approximately 55 percent of these offices, while schools, churches, and NGOs ran the remaining 45 percent. Law students staffed most of the units; only the offices in the wealthiest districts of the country had professionally trained lawyers, psychologists, and social workers. When these offices could not resolve cases, officials typically referred them to the local prosecutors' offices of the Public Ministry. Settlements adjudicated by these offices were binding legally and had the same force as judgments entered by a court of law.

Violence against children and the sexual abuse of children were serious problems. The INEI survey showed that an estimated 41 percent of parents abused their children. In rural areas, this figure increased to 55 percent. In 2000 the Municipal Ombudsman's Office for Children and Adolescents for Lima and Callao documented 586 sexual assaults against children 5 years of age and under; 2,937 against children aged 6 to 12; and 5,935 against children aged from 13 to 17. The report confirmed that 70 percent of the assaults occurred in the home by a relative or someone known to the victim and the victim's family. According to NGOs, many abuse cases were never reported to the authorities, since many persons believed that such problems belong within the family and should be resolved privately. MIMDES's Women's Emergency Program worked to address the legal, psychological, and medical problems facing women and children who were victims of violence.

Although laws exist that prohibit sexual abuse of minors and police enforce such laws, there continued to be reports of child prostitution.

Street crime committed by children and adolescents, including robbery, physical assault, and vandalism, was often gang-related. In 2001 the Government rescinded

laws that allow 16- to 18-year-old criminal gang members to be prosecuted in military courts and sentenced to a minimum of 25 years in adult prisons (*see* Section 1.e.).

Child labor was a serious problem (*see* Section 6.d.).

The National Initiative on the Rights of the Child was the largest NGO of its kind and coordinated the work of 27 groups concerned with the problems of children throughout the country.

Persons with Disabilities.—The Constitution provides that persons with severe disabilities have "the right to have their dignity respected and to be provided by law with protection, care, rehabilitation, and security." Legislation that established the National Council for the Integration of People with Disabilities (CONADIS) specifies rights, allowances, programs, and services. The law prohibits discrimination, mandates that public spaces be barrier-free and that buildings be architecturally accessible, and provides for the appointment of a disability rights specialist in the Human Rights Ombudsman's office. Congress passed a resolution designating 2003 as the "Year of the Disabled," to raise awareness about problems faced by disabled citizens. In practice, however, the Government devoted little attention and resources to persons with disabilities, who remained economically and socially marginalized.

The 1993 census counted 288,526 persons with disabilities, or 1.3 percent of the population; however, in 2001 the Ministry of Health and the Pan American Health Organization estimated that the actual number of persons with disabilities could be as high as 3 million, or 13.8 percent of the population. CONADIS estimated that between 10 and 13 percent of the population was disabled.

The Government did not allocate sufficient funds to make genuine integration of persons with disabilities into the economy possible. In 2001 Congress increased the annual budget allocated to integrate persons with disabilities into the economy from $250,000 to $457,000 (875,000 to 1.6 million soles). Although the law prohibits discrimination in the workplace, it is vague regarding the source of funds to pay for the human assistance, technological support, and environmental adaptations that often are necessary to enable workers with disabilities to be productive. As a result, persons with disabilities and the private agencies serving them generally relied on public charity and on funding from international organizations.

Although construction regulations mandate barrier-free access by persons with physical disabilities to public service buildings, little effort was made to implement this provision. There were no accommodations, such as interpreters for the deaf in government service offices and Braille or recorded versions of the Constitution, which would facilitate the participation of persons with disabilities in the basic processes of democracy and citizenship. However, the Human Rights Ombudsman reported that a program to facilitate voter education and access for persons with disabilities in the 2001 elections was successful.

According to officials of the Institute for Social Security, less than 1 percent of persons with severe disabilities actually worked. Among those who did, many were channeled into occupations traditionally assumed to be "suitable" for persons with disabilities, such as telephone switchboard operation and massage, in the case of the blind. Some private companies initiated programs to hire and train persons with disabilities, and a private foundation provided small loans to persons with disabilities to start up businesses. Nevertheless, such persons faced discrimination by potential employers. For example, the statute governing the policies and procedures of the judicial branch specifically prohibits the blind from serving as judges or prosecutors, a provision that the National Judiciary Council has interpreted to apply to all persons with disabilities.

Indigenous Persons.—The Constitution prohibits discrimination based on race and provides for the right of all citizens to speak their native language; however, the large population of indigenous persons faced pervasive societal discrimination and social prejudice. Many factors impeded their ability to participate in, and facilitated their deliberate exclusion from, decision making directly affecting their lands, culture, traditions, and the allocation of natural resources. According to indigenous rights groups, the 1993 Constitution and subsequent implementing legislation are less explicit about the inalienability and unmarketability of native lands than earlier legislation. Pervasive discrimination and social prejudice intensified feelings of inferiority and second-class citizenship. Many indigenous persons lacked basic documents such as a birth certificate or a voter's registration card that normally would identify them as full citizens and enable them to play an active part in society.

Many other factors also contributed to the marginalization of indigenous people in society. Poor transportation, language barriers, and communications infrastructure in the highlands and in the Amazon jungle region made political mobilization and organization difficult. The geographic isolation of much of the indigenous popu-

lation and the centralization of government in Lima further limited the access and participation of indigenous people in society.

The native population of the Amazon region, estimated at between 200,000 and 300,000 persons, faced pervasive discrimination and social prejudice. In accordance with local culture and traditions, most of the native communities have a spiritual relationship with their land, and the concept of land as a marketable commodity is alien to them. Nevertheless, according to the director of the Human Rights Ombudsman's Native Communities Program, the only right still statutorily set aside for this native population with respect to its land is that of "unassignability," which prevents the title to such lands from being reassigned to some nonindigenous tenant by right of tenure. However, the marketing and sale of the lands are no longer prohibited.

Indigenous groups continued to resist encroachment on their native lands by oil exploration and drilling interests. Many indigenous persons did not have title to the land on which they lived. For those who did, title to land does not include mineral or other subsoil rights, which belong to the State; this problem led to conflicts between mining interests and indigenous communities. Indigenous groups asserted that such encroachment often can damage the environment and negatively affect the health of the native people. For example, the 45,000 Aguaruna and the Huambisa, who inhabit an area near the border with Ecuador, are only two of many indigenous groups that complained about intolerable living conditions and inaccessible public services. In the same region, along the Pastaza River, the 4,700 members of the Achuar people lived in 36 communities, only 12 of which had title to their land.

Persons of indigenous descent who live in the Andean highlands speak Aymara and Quechua, recognized as official languages. They are ethnically distinct from the diverse indigenous groups that live on the eastern side of the Andes and in the tropical lowlands adjacent to the Amazon basin.

The Government's Indigenous Affairs Commission has a mandate to coordinate state services to meet the needs of indigenous people. The Commission, which is chaired by MIMDES, has among its members officials from a variety of relevant ministries as well as representatives of the indigenous peasant population in the highland and coastal areas, the native population of the Amazon jungle, and the Afro-Peruvian community. In 1999 Congress created an Indigenous Affairs Committee, which served to address the needs of the indigenous communities. In August Congress modified the committee's mandate to include indigenous peoples from the Amazon region, and changed its name to the Amazon, Indigenous, and Afro-Peruvian Affairs Committee.

President Toledo was the country's first elected president of mixed Caucasian and indigenous ancestry.

The two principal NGOs that represented the interests of the native population of the Amazon region were the Inter-Ethnic Association for the Development of the Peruvian Jungle (AIDESEP) and the Confederation of Amazonian Nationalities of Peru (CONAP). Both organizations joined the Permanent Conference of Indigenous Peoples, an umbrella body that coordinated the activities of the country's indigenous population. CONAP believed that mining and other development operations were inevitable and, therefore, wanted native communities to share the benefits. AIDESEP opposed territorial encroachments. Both AIDESEP and CONAP were critical of the 1995 land law, which permits Amazonian land to be bought and sold if no one is living on it or otherwise making use of it.

Sendero Luminoso continued to be a leading violator of the rights of indigenous people. The terrorist group continued to coerce indigenous peasants into joining its ranks and to demand war taxes. In December the Government announced that the police would attempt to rescue the members of at least 200 families, primarily from the Ashaninkas indigenous group, who were believed to be held captive by Sendero Luminoso forces in the central jungle areas of Junin and Ayacucho. The families were being forced to work in the cultivation of illegal coca leaves, provide lookout protection, and to prepare meals and perform other basic chores. Living and working conditions for the Ashaninkas in the encampment areas were reported as inhumane.

National/Racial/Ethnic Minorities.—In December 2000, Congress passed legislation that made racial discrimination a crime, with penalties varying from 30 to 60 days of community service. For public officials the sentence is between 60 and 120 days of community service; violators also were disqualified from holding public office for 3 years. The country's population includes several racial minorities, the largest of which are persons of Asian and African descent. Afro-Peruvians, who tended to be concentrated along the coast, often faced discrimination and social prejudice, and they were among the poorest groups in the country.

On April 25, the Government's Indigenous Affairs Commission expanded to include Afro-Peruvians. In August Congress changed the name of its committee addressing the needs of the indigenous communities in the country, including Afro-Peruvians, to the Amazon, Indigenous, and Afro-Peruvian Affairs Committee.

Afro-Peruvians generally did not hold leadership positions in government, business, or the military; however, there were three Afro-Peruvian members of Congress. Both the navy and the air force were believed widely to follow unstated policies that exclude blacks from the officer corps. The law prohibits newspaper employment advertisements from specifying the race of the candidates sought, but employers often found discreet ways to relegate blacks to low-paying service jobs. The law prohibits various forms of discrimination by retail establishments against prospective customers. However, the law has not deterred discriminatory practices. Afro-Peruvians were often portrayed unflatteringly by the entertainment industry as individuals of questionable character.

Although citizens of Asian descent historically suffered discrimination, their social standing improved in recent years. Many persons of Asian descent held leadership positions in business and government.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law provide for the right of association; however, worker rights advocates claimed that the laws were overly restrictive. About 5 percent of the formal sector workforce of 8.3 million belonged to organized labor unions. There were approximately 12 million economically active persons in the country, of which about 49 percent had permanent employment, 43 percent were underemployed, and 8 percent were unemployed. Government and labor estimates showed that well over half of all workers participated in the informal sector of the economy or were underemployed in the formal sector.

Labor regulations provide that workers may form unions on the basis of their occupation, employer affiliation, or geographic territory. Workers were not required to seek authorization prior to forming a trade union, nor could employers legally condition employment on union membership or nonmembership. In the past, labor advocates asserted that laws promulgated by the Fujimori administration in 1992, as well as provisions included in the 1993 Constitution, failed to protect the rights of workers to form unions. Labor advocates claimed that many workers were reluctant to organize due to fear of dismissal. In December Congress passed a law that addressed some of the International Labor Organization's (ILO) primary objections to the 1992 labor law. The new law allows apprentices to join unions, reduces the number of individuals required to form a union, recognizes the right to strike, and allows for collective bargaining by sector.

In recent years, the ILO criticized a provision that permitted businesses to employ up to 30 percent of their workforce from workers between the ages of 16 to 25 in apprenticeship-type jobs; workers in this age bracket were precluded from union membership and participation. To address this complaint, a 2001 law reduced to 10 percent the percentage of employees that a company may employ as apprentices between the ages of 16 and 25.

In December 2000, then-President Paniagua established a tripartite National Labor Council for the Government, workers, and business to address labor problems. In September 2001, President Toledo reinstalled the National Labor Council and opened two regional councils, one in Arequipa and one in Cusco, to address labor issues unique to each region. The Council served to maintain a dialog between labor, business, and the Government.

Unions represented a cross section of political opinion. Although some unions traditionally were associated with political groups, the law prohibits unions from engaging in explicitly political, religious, or profit-making activities. Union leaders who ran for Congress in the 2001 elections did so without official union sponsorship. Nevertheless, some union activists who ran for public office received unofficial backing from their unions.

The new law passed in December addressed some of the ILO's objections to former legislation on collective bargaining. In the past, the main union confederations criticized the Employment Promotion Act, amended in 1995 and 1996, for restricting the rights of workers, including the freedom of association and the right of workers to bargain collectively. Unions also complained that the law eliminates the right of dismissed workers to compulsory reinstatement if they prove that employers dismissed them unjustly. In practice, companies sometimes offered financial compensation instead of reinstatement as the legislation allows. Although the law prohibits companies from firing workers solely for involvement in union activities, this provision was not enforced rigidly. In November 2000, the ILO's Committee of Freedom of Association recommended that the Government enforce legislation protecting workers

from dismissal on account of membership in a union or participation in union activities. In the first such action by the judiciary, in September the Constitutional Tribunal ruled that a major company, Telefonica, had to rehire over 400 workers suspected of being fired for their union affiliation.

In July Congress passed a law regarding collective dismissals that reinstated workers' rights in this area. In December the Ministry of Labor published a list of 7,156 names of former public sector employees who stand to benefit from the new Collective Dismissal Law. Additional names of approximately 5,850 eligible beneficiaries were to be released in 2003. The workers were among those deemed to have been fired unjustly during the Fujimori administration.

There were no restrictions on the affiliation of labor unions with international bodies. Several major unions and labor confederations belonged to international labor organizations, the international trade secretariats, and regional bodies.

b. The Right to Organize and Bargain Collectively.—The Constitution recognizes the right of public and private sector workers to organize and bargain collectively; however, it specifies that this right must be exercised in harmony with broader social objectives. Labor regulations provide that workers may form unions on the basis of their occupation, employer affiliation, or geographic territory. The law does not prohibit temporary employees from joining a union, but they may not join the same union as permanent workers.

Union officials must be active members of their union, but the number of individuals each union may designate as "official" is limited, as is the amount of company time they may devote to union business. There were no legal restrictions that prevented unions from negotiating for higher levels of worker protection than the baseline standards provided for by law. There was no legal protection against employer interference in trade unions.

A union had to represent at least 20 workers in order to become an official collective bargaining agent. Representatives could participate in collective bargaining negotiations and establish negotiating timetables. Management negotiating teams could not exceed the size of union teams, and both sides were permitted to have attorneys and technical experts present as advisers.

Labor regulations permit companies unilaterally to propose temporary changes in work schedules, conditions, and wages, and to suspend collective bargaining agreements for up to 90 days, if obliged to do so by worsening economic circumstances or other unexpected negative developments, provided that they give their employees at least 15 days' notice of such changes. However, worker rights advocates alleged that, in practice, few employers respected this provision. If workers rejected an employer's proposed changes, the Ministry of Labor was required to resolve the dispute based on criteria of "reasonableness" and "economic necessity." Whether the changes proposed by employers in such instances were upheld in full or in part, employers were required to adopt all possible measures, such as the authorization of extra vacation time, in order to minimize the negative economic impact on their employees.

Although a conciliation and arbitration system exists, union officials complained that their proportionate share of the costs of arbitration often exceeded their resources. In addition, union officials claimed that, as the law prohibits temporary workers from participating in the same union as permanent workers, companies have resorted to hiring workers "temporarily" to prevent increases in the number of union members. To address this concern, Congress passed a law in 2001 that restricts the number of temporary workers hired to 20 percent of a company's work force. Some labor advocates continued to claim that some companies did not comply with the law. Employers denied that they were biased against unions, and argued that the labor stability provisions of the legislation made long-term commitments to workers too expensive.

The new labor law passed in December addressed some of the ILO's objections to the 1992 labor law concerning the right to strike, including a requirement that a majority of workers in an enterprise, regardless of union membership, must vote in favor of any strike.

There were numerous labor strikes, demonstrations, and work stoppages during the year, most of which were peaceful. The Government took no actions to prevent the strikes or to reprimand participants. There were confrontations between union-affiliated protesters and police who were charged with controlling the large crowds. In a September incident, a scuffle broke out between two rival labor organizations, but no serious injuries or property damage occurred. No abuses were reported when the police removed roadblocks set up by protesters.

The law restricts unions that represent workers in public services deemed essential by the Government from striking. However, there were strikes during the year by public sector workers.

There were four export processing zones (EPZs). Special regulations aimed at giving employers in EPZs and duty free zones a freer hand in the application of the law provide for the use of temporary labor as needed, for greater flexibility in labor contracts, and for setting wage rates based on supply and demand. As a result, workers in such zones had difficulty unionizing. Worker rights advocates acknowledged that these few zones did not contribute substantively to labor's unionizing difficulties.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, and there were no reports of forced labor during the year. The law specifically prohibits forced or bonded labor by children. According to MIMDES and the Ministry of Labor, there were no reports of forced child labor. Forced labor previously was found in the gold mining industry in the Madre de Dios area; however, the changing nature of the industry and government efforts to regulate it seem to have addressed the problem. NGO sources and the ILO reported in 1999 that mechanization largely had replaced manual labor, and the Ministry of Labor inspection programs helped deter illegal child labor in this industry.

Sendero Luminoso held indigenous families captive in remote areas, using their labor, including that of children, to grow food crops and coca (*see* Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Child and Adolescent Code of 1992 governs child and adolescent labor practices and restricts child labor based upon the age of the child, hours worked, and occupation; however, child labor was a serious problem. The legal minimum age for employment is 14; however, children between the ages of 12 and 14 may work in certain jobs if they obtain special permission from the Ministry of Labor and certify that they also are attending school. In certain sectors of the economy, higher minimums are in force: age 14 in agricultural work; age 15 in industrial, commercial, or mining work; and age 16 in the fishing industry. As of August, the Ministry had granted 912 permits to children between the ages of 12 and 17 to work in compliance with labor and education laws. The Ministry approved 1,795 of these permits in 2001. The law prohibits children from engaging in certain types of employment, such as work underground, work that involves the lifting and carrying of heavy weights, work where the child or adolescent is responsible for the safety of others; night work; or any work that jeopardizes the health of children and adolescents, puts at risk their physical, mental, and emotional development, or prevents their regular attendance at school. As many as 1.9 million children worked primarily in the informal sector to help support their families. Of this total, NGOs estimated that some 600,000 children were under the age of 12.

Human and labor rights groups criticized the modification of the Child and Adolescent Code, passed in August 2000, that maintained the minimum age for work at 12 years old (with government permission), and argued that it contradicts international guidelines on the minimum age of child workers.

Many children were pressed to help support their families from a very early age by working in the informal economy, where the Government did not supervise wages or working conditions. Other children and adolescents worked either in formally established enterprises or as unpaid workers at home. There were some reports of child prostitution (*see* Section 5).

Adolescents must be authorized to work and must be registered unless they are employed as domestic workers or as unpaid family workers. Adolescents may only work a certain number of hours each day: 4 hours for children aged 12 through 14, and 6 hours for children aged 15 through 17. Adolescent employment must be remunerated in accordance with the principle of equal pay for equal work. In practice, the Child and Adolescent Code provisions were violated routinely in the informal sector. Child and adolescent laborers worked long hours in the agricultural sector. Other children reportedly were employed at times in dangerous occupations or in high-risk environments, such as informal gold mining, garbage collection, loading and unloading produce in markets, brick making, coca cultivation, or work in stone quarries and fireworks factories, among others. Some child and adolescent labor tended to be seasonal.

Firms found guilty of violating child labor laws can be fined and have their operations suspended. The Ministry of Labor's inspectors had legal authority to investigate reports of illegal child labor practices. Inspectors conducted routine visits without notice to areas where child labor problems were reported. Inspectors maintained contact with a wide variety of local NGOs, church officials, law enforcement officials, and school officials. The Ministry reported that there were a total of 170 labor inspectors, of which 120 worked in Lima. These inspectors conducted all labor inspections, both for adults and children. Labor inspections were primarily con-

ducted in the formal sector. The National Police and local prosecutors exercised law enforcement authority.

e. Acceptable Conditions of Work.—The Constitution provides that the State promote social and economic progress and occupational education. It states that workers should receive a "just and sufficient" wage to be determined by the Government in consultation with labor and business representatives, as well as "adequate protection against arbitrary dismissal."

In March 2000, the Government raised the statutory minimum wage from $117 (410 soles) a month to $128 (450 soles), which was not considered sufficient to provide a decent standard of living for a worker and family. The Government estimated the poverty line to be approximately $45 (157 soles) a month per person. However, this figure varied from region to region. Actual figures from INEI's 2001 survey showed the poverty line for Lima at $75 (260 soles) a month per person, compared to $43 (147 soles) for the rural jungle. According to some estimates, as much as half the work force earned the minimum wage or below, because such a great proportion worked in the informal sector, which was largely unregulated. The Ministry of Labor was responsible for enforcing the minimum wage.

A 2001 law increased the Labor Ministry's ability to enforce compliance with laws requiring businesses to pay social security and other benefits.

The Constitution provides for a 48-hour workweek, a weekly day of rest, and an annual vacation. In addition, it prohibits discrimination in the workplace, although discrimination continued to be a problem in practice. A Supreme Decree states that all workers should work no more than 8 hours per day; however, labor advocates complained in recent years that workers were pressured to work longer hours to avoid dismissal. In February President Toledo signed into law a bill that requires companies to pay overtime to employees who work more than 8 hours, to provide additional compensation for work at night, and to provide a 45-minute meal break to employees during their 8-hour shift. Labor, business, and the Government reported that the majority of companies in the formal sector were complying with the new law.

While occupational health and safety standards exist, the Government lacked the resources to monitor firms or enforce compliance. Labor advocates continued to argue that the Government dedicated insufficient resources to enforce existing legislation. In September 2001, the Minister of Labor announced that 80 percent of the companies inspected were found to be in compliance with labor laws. The compliance estimate remained consistent throughout the year. The Ministry of Labor continued to receive worker complaints and intervened in hundreds of cases. When firms were found to be in violation of the law, the Government sanctioned them with fines or, in some cases, closure. In cases of industrial accidents, the level of compensation awarded to the injured employee usually was determined by agreement between the employer and the individual involved. The worker did not need to prove an employer's culpability in order to obtain compensation for work-related injuries. No provisions exist in law for workers to remove themselves from potentially dangerous work situations without jeopardizing their continued employment.

f. Trafficking in Persons.—A 1999 law prohibits trafficking in persons and alien smuggling, which is defined as promoting, executing, or assisting in the illegal entry or exit of persons from the country. Laws prohibiting kidnaping, sexual abuse of minors, and illegal employment were enforced and could also be used to sanction traffickers in persons. There were no programs to educate vulnerable groups about the dangers of trafficking or to assist victims.

While there were no other reports of trafficking in persons, child prostitution was a problem (*see* Section 5).

There were two reports in 2001 that persons were trafficked from the country. Early that year, three women in their twenties were forced into prostitution in Korea after they were ostensibly hired as domestic workers. In May 2001, a Peruvian intermediary contracted three men to work as mechanics in Abu Dhabi. The men alleged that once they arrived in Abu Dhabi, their employer took away their passports and never paid them for work performed over several months. With assistance from a foreign consulate in Abu Dhabi and an NGO, the men were repatriated in October 2001.

SAINT KITTS AND NEVIS

Saint Kitts and Nevis is a multiparty, parliamentary democracy, a federation, and a member of the Commonwealth of Nations. The Constitution provides the smaller island of Nevis considerable self-government under a premier, as well as the right

to secede from the Federation in accordance with certain enumerated procedures. The Government consists of a prime minister, a cabinet, and a unicameral legislative assembly. The Governor General, appointed by the British monarch, is the titular head of state, with largely ceremonial powers. In elections in March 2000, Prime Minister Denzil Douglas's St. Kitts and Nevis Labour Party won all 8 St. Kitts seats of the 11 seats in the legislature, and Douglas remained Prime Minister. In elections in Nevis on September 7, 2001, Premier Vance Amory's Concerned Citizens Movement (CCM) won four of the five seats in the Nevis Assembly. The judiciary was generally independent; however, intimidation of witnesses in high profile, drug-related cases has been a problem.

The security forces consisted of a small police force, which included a 50-person Special Services Unit that received some light infantry training, a coast guard, and a small defense force. The forces were controlled by and responsive to the Government. There were occasional allegations of abuse by the police.

The mixed economy was based on sugar cane, tourism, and light industry. The country's population was approximately 46,000. Most commercial enterprises were privately owned, but a state corporation owned the sugar industry and 85 percent of arable land. In 2001 sugar production increased by 30 percent, but export earnings remained constant due to exchange rate fluctuations; economic activity slowed significantly in the manufacturing and construction industries. The unemployment rate was estimated at 5 percent. Preliminary estimates for real economic growth suggested a 2 percent decline for the year.

The Government generally respected citizens' human rights; however, there were problems in some areas. Poor prison conditions, apparent intimidation of witnesses and jurors, government restrictions on opposition access to government-controlled media, and violence against women were the principal problems. Saint Kitts and Nevis was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary of unlawful deprivation of life committed by the Government or its agents.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the use of torture or other forms of inhuman or degrading treatment or punishment, and the authorities generally observed this prohibition in practice. However, there were occasional allegations of excessive use of force by the police, particularly during the annual Carnival celebration and at other special events.

The police force continued to conduct its own internal investigation when complaints were made against its members. There were 11 complaints filed in 2001, 5 of which addressed police searches based on warrants (*see* Section 1.f.); no more recent information was available.

Prison conditions were overcrowded, and resources remained limited. The prison on Saint Kitts, built in 1840, was designed to accommodate 60 inmates but was renovated to increase capacity and housed over 140 prisoners; some prisoners slept on mats on the floor. A prison on Nevis housed 30 inmates. In both prisons pretrial detainees were segregated from convicted prisoners. Female inmates were segregated from male prisoners, and juveniles were segregated from adult prisoners. Corporal punishment is legal; a court can order that an accused person receive lashes if found guilty.

The Government permitted prison visits by independent human rights observers. In addition, the Ministry of National Security appointed "visiting justices," who were volunteers that oversaw the treatment of prisoners. The prison staff periodically received training in human rights.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally respected these provisions in practice. The law requires that persons detained be charged within 48 hours or be released. If charged, the police must bring a detainee before a court within 72 hours. Family members, attorneys, and clergy were permitted to visit detainees regularly.

Neither the Constitution nor the law prohibit forced exile, but the Government did not use it in practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, intimidation of witnesses and potential intimidation of jurors in high

profile, drug-related cases was a problem. The Government did not take any concrete steps to protect witnesses, judges, and jurors, although it continued to explore the possibility of a program to do so through the Caribbean Community.

The court system includes a high court and four magistrate's courts at the local level, with the right of appeal to the Eastern Caribbean Court of Appeal. Final appeal may be made to the Privy Council in the United Kingdom. Free legal assistance was available for indigent defendants in capital cases only.

The Constitution provides that every person accused of a crime must receive a fair, speedy, and public trial, and these requirements generally were observed. At year's end, there were 49 persons in "remand" (detention pending trial or further court action). The length of remand varied according to offense and charges; persons may be held for days, weeks, or months. There is no system of parole, although there was public discussion about starting a parole system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the Government generally respected these prohibitions in practice. The law requires judicially issued warrants to search private homes. The police received complaints during the year regarding police improprieties in the process of investigating reported crimes, such as taking personal photographs of a victim and unnecessarily exposing a victim by bringing potential suspects to the victim's home for identification. The authorities took disciplinary action against one officer involved.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the authorities generally respected these provisions in practice; however, there were allegations during the year that the ruling party limited opponents' access to the media.

These concerns were muted somewhat by the grant of broadcast licenses to several independent radio stations.

There were three independent weekly newspapers; in addition, each of the major political parties published a weekly or biweekly newspaper. The publications were free to criticize the Government and did so regularly and vigorously. International news publications were readily available.

The Government privatized the Government-owned radio station, although the Government continued to appoint three of its five board members. Three other stations had been in operation since before the Labour Party came into office in 1995. In addition, three privately owned radio stations received licenses and began operating in 2001–02. A radio station in Nevis that operated on AM since 1989 received an FM license but was not yet operating on the new frequency at year's end.

The opposition People's Action Movement (PAM) party alleged that the Labour Party blocked PAM's access to the broadcast media through its control of the national television and radio broadcasting facilities. However, the PAM acknowledged that it had increased accessibility to the media since several additional radio stations were granted licenses.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly and for the right of association, and the Government generally respected these rights in practice.

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

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

No formal government policy toward refugee or asylum requests existed. The issue of provision of first asylum did not arise during the year. There were no reports of forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government by peaceful means, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage. A multiparty political system existed, in which political parties were free to conduct their activities; however, an opposi-

tion party alleged that the ruling party restricted access to the media (*see* Section 2.a.). All citizens 18 years of age and older may register and vote by secret ballot. Despite some irregularities, orderly general elections were held in 2000, and Nevis elections were conducted peacefully in September 2001.

The Legislative Assembly has 11 elected seats: 8 for St. Kitts and 3 for Nevis. The Labour Party held all eight St. Kitts seats in the legislature; opposition parties held the other three seats. The PAM lost its one seat in the 2000 election. In addition to the 11 elected Members of Parliament, there were 3 appointed members called Senators. The Governor General appoints the three Senators, two on recommendation of the Prime Minister and one on the recommendation of the Leader of the Opposition. The island of Nevis has considerable self-government, with its own premier and legislature. In the 2001 Nevis elections, Premier Amory's CCM won four of the five seats in the Nevis Assembly.

In accordance with its rights under the Constitution, in 1996 the Nevis Assembly initiated steps towards secession from the Federation, the most recent being a referendum in 1998 that failed to secure the required two-thirds majority for secession. Following the referendum, the Government established a Constitutional Commission to review the arrangements between the two islands. In October when a Select Committee of the National Assembly reviewed the commission's report, the CCM again raised the issue of secession. The Government suggested that the issue be handled in the constitutional reform process and proposed granting greater autonomy to the Nevis island government and the Nevis Assembly.

Although the Constitution prohibits discrimination on grounds of political opinion or affiliation, the former opposition party PAM alleged widespread employment discrimination by the St. Kitts and Nevis Labour Party against public sector employment of persons perceived to be PAM supporters. In the case of one person whom the PAM leadership claimed had not been paid, the Government asserted that this individual, while a Minister in the Government, received fees for legal services from two government institutions and that, therefore, it was entitled to offset her pension by the amount of fees received. The matter was before the courts at year's end.

The PAM claimed that electoral reform is needed to correct inequities and to prevent irregularities in voting, asserting that in the last election, the Government unduly influenced voters by providing airfare and hotel accommodations to overseas citizens willing to return to vote. The PAM also claimed that 17-year-olds voted even though the law requires a minimum age of 18, and that some people voted more than once by voting in different jurisdictions. Citing these irregularities, the PAM proposed that photographic voter identification cards be issued, and the existing register of voters nullified. The PAM also recommended changes to the electoral commission to correct what it perceived as a bias toward the party in power. The PAM criticized the Government's failure to appoint any PAM representatives to the Select Committee of the National Assembly on Constitutional Reform, which will take up matters of electoral reform.

There were no impediments in law or in practice to the participation of women in leadership roles in government and politics. There were 2 women in the National Assembly, 1 woman in the Cabinet, 3 of 4 magistrates were women, the court registrar was female, and 5 of 11 permanent secretaries were female. In addition, in Nevis, one Cabinet member and the president of the House of Assembly were female.

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

While there are no governmental restrictions, no local human rights groups formed during the year. There were no requests for investigations or visits by international human rights groups during the year.

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

The Constitution prohibits discrimination on grounds of race, place of origin, birth out of wedlock, political opinion or affiliation, color, sex, or creed, and the Government generally respected these provisions in practice.

Women.—According to a government official, violence against women was a problem. A 2000 Domestic Violence Act criminalizes domestic violence and provides penalties for abusers. Although many women were reluctant to file complaints or pursue them in the courts, there were publicly reported cases of both domestic violence and rape, and a few convictions. The Department of Gender Affairs, under the Ministry of Social Development, Community, and Gender Affairs, was active in the areas of domestic violence, spousal abuse, and abandonment. It offered counseling for victims of abuse and conducted training on domestic violence and gender violence for officials of the police and fire departments, nurses, school guidance coun-

selors, and other government employees. There was no separate domestic violence unit in the police force.

The role of women in society is not restricted by law but was circumscribed by culture and tradition. There was no overt societal discrimination against women in employment, although analyses suggested that women did not occupy as many senior positions as men did. The Department of Gender Affairs conducted programs addressing poverty and health and promoting institutional mechanisms to advance the status of women and leadership positions for women. It operated three programs for rural women, providing them market skills and training as entrepreneurs. The Department provided clients assistance with problems such as lack of housing, unemployment, child care, technical training, and personal development. It also ran a "Return Teen Mothers to School Program" to encourage young mothers to complete their education. The Department produced three handbooks on sexual harassment, equal opportunity and employment, and equal pay for work of equal value. The Department continued its programs focusing on men as perpetrators of crimes of violence against women.

Prostitution is illegal and was not considered to be a problem.

There were no laws covering sexual harassment, which the Department of Gender Affairs considered to be a growing problem.

Children.—The Government is committed to children's rights and welfare and has incorporated most of the provisions of the U.N. Convention on the Rights of the Child into domestic legislation. The law mandates compulsory education up to the age of 16; it was free and universal. Over 98 percent of children completed school. Under the law, the age of consent is 16. During the year, the authorities brought charges in three cases involving alleged sexual activity with minors.

Persons with Disabilities.—Although there is no legislation to protect persons with disabilities or to mandate accessibility for them, the Constitution and the Government prohibit discrimination in employment, education, and other state services.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of all workers to form and belong to trade unions. The law permits the police, civil service, and other organizations to organize associations that serve as unions. The major labor union, the St. Kitts Trades and Labour Union (SKTLU) was associated closely with the St. Kitts and Nevis Labour Party and was active in all sectors of the economy. The opposition PAM party alleged that the ruling party used its influence to try to stifle other unions that would threaten the SKTLU in the workplace. In 2000 two taxi drivers' associations were formed, and the existing teachers' union became more active.

In December PAM and the teachers' union alleged that the Labour Party abused parliamentary privilege by making defamatory statements which, had they been made outside Parliament, could have been subject to legal charges. PAM stated that disparaging comments about the president of the teachers' unions were intended to stifle that union's growing (400-member) strength.

The law prohibits antiunion discrimination but does not require employers found guilty of such action to rehire employees fired for union activities. However, the employer must pay lost wages and severance pay to employees who had worked at least 1 year, based upon length of their service. There was no legislation governing the organization and representation of workers, and employers were not bound legally to recognize a union, but in practice employers did so if a majority of workers polled wished to organize.

Unions were free to form federations or confederations and to affiliate with international organizations. The islands' unions maintained a variety of international ties.

b. The Right to Organize and Bargain Collectively.—Labor unions are free to organize and to negotiate for better wages and benefits for union members. Collective bargaining takes place on a workplace-by-workplace basis, not industrywide. The Labor Commissioner and Labor Officers mediate disputes between labor and management on an ad hoc basis. However, in practice few disputes actually went to the Commissioner for resolution. If neither the Commissioner nor the Ministry of Labor is able to resolve the dispute, the law allows for a case to be brought before a civil court.

The right to strike, while not specified by law, is well established and respected in practice. Restrictions on striking by workers who provide essential services, such as the police and civil servants, were enforced by established practice and custom, but not by law. There were no major strikes during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits slavery and forced labor, and they did not occur in practice. While neither the Constitution nor the law specifically address bonded labor, it was not a problem in practice.

Prisoners can be required to work if their sentence was more than 30 days and stipulated "hard labor"; they received a small stipend for this work paid upon discharge.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is addressed in the Employment of Women, Young Persons, and Children Act, as well as the 1966 Employment of Children Ordinance. The ordinance outlaws slavery, servitude, and forced labor. At year's end, both laws were amended to set the minimum legal working age at 16 years. The Labor Ministry relied heavily on school truancy officers and the community affairs division to monitor compliance, which they generally did effectively.

Agriculture, domestic service, and illicit activities were areas in which juveniles found work. In rural families engaged in livestock farming and vegetable production, children often were required to assist as part of family efforts at subsistence. Girls often engaged in domestic service. Such labor included family-oriented work where children were made to look after younger siblings or ailing parents and grandparents at the expense of their schooling. Children often worked in other households as domestic servants or babysitters. There were no reported cases of child labor during the year, and no cases of child labor have ever been brought to the attention of the Department of Labor, which is empowered to investigate and address complaints of child labor.

At year's end, child labor laws were being reviewed under a program of labor legislation review and update that began in 1999 with the 1986 Protection of Employment Act.

e. Acceptable Conditions of Work.—Minimum wage rates for various categories of workers, such as domestic servants, retail employees, casino workers, and skilled workers, were last updated in 1994, and manufacturing sector wages were revised in 1996. The average wage varied from $67.42 (EC$180) per week for full-time domestic workers to $166.10 (EC$443.50) per week for skilled workers. These provided a barely adequate living for a wage earner and family; many workers supplemented wages by keeping small animals such as goats and chickens. The Labor Commission undertook regular wage inspections and special investigations when it received complaints; it required employers found in violation to pay back wages. Workers who were laid off for more than 12 weeks received a lump sum payment from the Government based on previous earnings and length of service.

The law provides for a 40- to 44-hour workweek, but the common practice was 40 hours in 5 days. Although not required by law, workers receive at least one 24-hour rest period per week. The law provides that workers receive a minimum annual vacation of 14 working days. While there were no specific health and safety regulations, the Factories Law provides general health and safety guidance to Labor Ministry inspectors. The Labor Commission settles disputes over safety conditions. Workers had the right to report unsafe work environments without jeopardy to continued employment; inspectors then investigate such claims, and workers may leave such locations without jeopardy to their continued employment.

f. Trafficking in Persons.—There were no laws that specifically address trafficking in persons.

An "economic citizenship" program allowed foreign investors to purchase passports through loosely monitored procedures involving an investment of at least $250,000 (EC$675,000) in real estate, plus a registration fee of $35,000 (EC$94,500) for the head of household (amounts vary for other family members). This program reportedly facilitated the illegal immigration of persons from China and other countries to North America where, in some instances, criminal organizations that provided the funds to such persons forced them to work under conditions similar to bonded labor until their debt was repaid. The Government denied any knowledge of illegal immigration facilitated through this program and asserted that applicants were adequately screened.

SAINT LUCIA

Saint Lucia is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. The head of state was Queen Elizabeth II, represented by a Governor General, who has some residual powers under the Constitution that can be used at the Governor's General's discretion. The Prime Minister and the Cabinet, which usually represent the majority party in the bicameral Parliament, exercised

most of the power. In generally free and fair elections on December 3, 2001, Prime Minister Dr. Kenny Anthony's Saint Lucia Labour Party (SLP) retained power, winning 14 seats in the 17-member House of Assembly. The judiciary was generally independent.

The Royal Saint Lucia Police was the only security force and included a small unit called the Special Services Unit (which had some paramilitary training) and a coast guard unit. They were controlled by and responsive to the Government. There were occasional allegations of abuse by the police.

The country's market-based economy depended upon tourism and banana exports as the principal sources of foreign exchange. The population was approximately 158,000. Although tropical storm Lili destroyed more than 65 percent of the banana crop in September, construction work, agricultural output, and income from tourism were expected to increase during the year. In 2001 the real economic growth rate was a negative 5.3 percent, unemployment was 18.9 percent, and the rate of inflation was 1.9 percent.

The Government generally respected the human rights of its citizens; the authorities continued to investigate a killing committed by police in 2000. There were some allegations of physical abuse of suspects and prisoners by the police; poor prison conditions, long delays in trials and sentencing, incidents of mob attacks on suspected criminals, domestic violence against women, and child abuse also were problems. Saint Lucia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

At year's end, the Government had not concluded its investigation into the 2000 killing by police of escaped prisoner Alfred Harding. A jury returned a verdict of accidental death in the case involving the 2000 police shooting of Paul Hamilton.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically prohibits torture, and there were no reports of torture or other cruel, inhuman, and degrading treatment or punishment during the year. Although no official complaints were filed, prisoners and suspects complained of physical abuse by police and prison officers.

During the year, the police force, with assistance from a team of British experts, prepared a 5-year plan, which includes community-based policing, crime prevention, increased professionalization, and attention to complaint investigation and internal review. In 2001 the Canadian government provided an officer of the Royal Canadian Mounted Police to act as Deputy Commissioner of Police in order to strengthen personnel procedures; his contract concluded in April. The police force added 50 new officers to bring its strength to over 700, and an additional 30 new officers were in training at year's end.

Prison conditions at the main prison in Castries continued to be poor, and overcrowding remained a severe problem. Lax security controls in an urban setting enabled weapons to be easily smuggled into the prison by relatives or be thrown over the prison walls. The focus of the correction program was containment; there were no training or rehabilitation programs, although there were a few craft programs.

Although there were different wings for prisoners requiring different levels of security, prisoners who were charged with crimes but not yet convicted were incarcerated with the convicts. In July the Government transferred 11 prisoners to a prison on Grenada for more than 2 months in order to defuse a tense situation at the prison that developed when rival drug gangs carried their conflicts inside the prison. While the prisoners were on Grenada, the Government undertook some repairs to the main prison in order to strengthen the facility.

In December there were 455 inmates in the main prison facility, which was built to house 80 inmates. Fifty young offenders (ages 18 to 20) were kept apart from older inmates. Sanitation was a particular problem, with open pit latrines for prisoners. Construction of a new prison facility near Dennery was just completed at year's end. It has separate facilities for females, young offenders, and those awaiting trial. It also has space set aside for rehabilitation programs, as well as a magistrate's courtroom. The Government hired and trained 78 new correctional officers to provide additional staff for the new prison; their training included segments on human rights.

In December there were 10 female prisoners in a separate prison facility for women, but they will be moved to the new prison in January 2003. Conditions in the women's facility were somewhat better than those at the men's prison. A boys' training school housed juveniles between 12 and 18 years of age; it will operate separately from the new prison.

The Government permitted prison visits by human rights observers. In addition, nine private sector volunteers appointed as "visiting justices" by the Ministry of Home Affairs visited prisoners periodically.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest or imprisonment and requires a court hearing 72 hours after detention, and the Government generally adhered to these provisions in practice. However, in the past, authorities had held prisoners for years on remand after charging them. There was no constitutional requirement for a speedy trial, but the Government planned to use the magistrate's court in the new prison to reduce processing time for court hearings after detention. Those charged with serious crimes spent an estimated 6 months to 1 year on remand; however, those charged with petty offenses often received speedy trials, particularly if victims or witnesses might leave the island.

The Government did not use forced exile.

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

There are two levels of courts, which are the Courts of Summary Jurisdiction (Magistrate's Courts) and the High Court. Both levels have civil and criminal authority. The lower courts accept civil claims up to about $1,850 (EC$5,000) and criminal cases generally classified as "petty." The High Court has unlimited authority in both civil and criminal cases. All cases can be appealed to the Eastern Caribbean Court of Appeal. Cases also may be appealed to the Privy Council in London as the final court of appeal.

The Constitution requires public trials before an independent and impartial court and, in cases involving capital punishment, provision of legal counsel for those who cannot afford a defense attorney. In criminal cases not involving capital punishment, defendants must obtain their own legal counsel. Defendants were entitled to select their own legal counsel, were presumed innocent until proven guilty in court, and had the right of appeal. The authorities observed both constitutional and statutory requirements for fair public trials.

The court system continued to face a serious backlog of cases. In November 2001, the Government appointed two new magistrates. The average time for a trial took 3 to 6 months in the magistrate's courts and 6 to 12 months for criminal cases. In an effort to speed up the court process, the Eastern Caribbean Supreme Court held training in October for court personnel in the areas of caseflow management and records management.

Citizens took justice into their own hands by attacking individuals suspected of committing crimes. In September residents in Soucis attacked a man suspected of robbing an elderly shopkeeper. In October the press reported that villagers in Anse La Raye chased a man suspected of involvement in the death of 70-year-old John Cadasse; he ran away, but the police arrested him and held him at year's end pending an investigation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and government authorities generally respected these prohibitions in practice. Violations were subject to effective legal sanctions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

There were four major privately owned newspapers, two privately owned radio stations, one partially government-funded radio station, one government-operated television station that began operating in October, and two private television stations. These media carried a spectrum of political opinion and often were critical of the Government. The radio stations' discussion and call-in programs allowed persons to express their views. The two private television stations also covered a wide range of views. In addition, there was subscription cable television service, which provided programming from a variety of sources, such as CNN and the BBC.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

The law requires permits for public meetings and demonstrations if they are to be held in public places, such as on streets or sidewalks or in parks. The police routinely granted such permits; the rare refusal generally stemmed from the failure of organizers to request the permit in a timely manner, normally 72 hours before the event.

In September the police denied a request by the United Workers Party (UWP) for a permit to march in front of the Parliament building, on the basis that the Public Order Act prohibits marches in such locations between 8 a.m. and 5 p.m. The UWP was protesting the retention of Walter Francois, an elected Member of Parliament who allegedly misrepresented his academic credentials. Despite the lack of a permit to hold an organized protest, a number of persons picketed in front of the Parliament.

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

At year's end, there was still no resolution in the case of the two men accused of attacking a Sunday Mass in a Roman Catholic Church in December 2000, which was scheduled for a court hearing in February 2003. The men, believed to be Rastafarian, were charged with murder and arson for their alleged role in the attack in which a nun and a worshipper were killed and a priest was doused with gasoline and set on fire. Thirteen persons were hospitalized for treatment of knife wounds and burns, including the priest, who died in April 2001 as a result of blood clots, which may have been an existing condition prior to the attack.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

No formal government policy toward refugee or asylum requests existed. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced expulsion of any persons having a claim to refugee status; however, government practice remained undefined.

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

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

Citizens have the right to change their government, and exercised that right in generally free and fair elections on December 3, 2001, when Prime Minister Anthony's SLP defeated the UWP, led by Morella Joseph. The SLP won 14 of 17 seats and the UWP won 3. The other opposition parties—the National Alliance, led by former SLP Foreign Minister George Odlum; the STAFF (Sou Tout Apwe Fete Fini) Party; and the St. Lucia Freedom Party—did not win any seats. The SLP capitalized on the failure of the opposition forces to unite in a national coalition due to a leadership struggle between Odlum and Sir John Compton, founder of the UWP and a former Prime Minister. Only 52 percent of those eligible voted, and the SLP won 55 percent of the popular vote.

Under the Constitution, general elections must be held at least every 5 years by secret ballot, but may be held earlier at the discretion of the Government in power. The Governor General appoints the 11-member Senate, which includes 2 independents.

Popularly elected local governments in the 10 administrative divisions (towns and villages) perform such tasks as regulation of sanitation and markets and maintenance of cemeteries and secondary roads.

There were no legal impediments to participation by women and minorities in government and politics, and 8 women competed in the 2001 elections in a field of 45 candidates for 17 positions. Voters elected two women to the House of Assembly, and there were four appointed female Senators. Two of the 13 members of the Cabinet were women, as was the Governor General.

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

The Government generally did not restrict international or nongovernmental investigations of alleged violations of human rights. Although the Government officially cooperated with such investigations, observers noted occasional reluctance by lower officials to cooperate.

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

Neither the Constitution nor the law address discrimination specifically; however, government policy was nondiscriminatory in the areas of housing, jobs, education, and opportunity for advancement.

Women.—Violence against women was recognized as a serious problem. The Government did not prosecute crimes of violence against women unless the victim pressed charges. Most charges involving domestic violence must be brought under the ordinary Civil Code, but rape and other crimes were subject to the Criminal Code. A family court heard cases of domestic violence and crimes against women and children. The police force conducted some training for police officers responsible for investigating rape and other crimes against women. Late in the year, the police established a special unit to deal with domestic violence; the sole female sergeant in this section worked closely with the Ministry of Home Affairs and Gender Affairs. Police and courts enforced laws to protect women against abuse, although police were hesitant to intervene in domestic disputes, and many victims were reluctant to report cases of domestic violence and rape or to press charges.

The Domestic Violence Act allows a judge to issue a protection order prohibiting an abuser from entering or remaining in the place where the victim is. It also allows the judge to order that an abuser's name be removed from housing leases or rental agreements, with the effect that the abuser no longer would have the right to live in the same residence as the victim.

The Saint Lucia Crisis Center for Women, a nongovernmental organization located in Castries, monitored cases of physical and emotional abuse and helped clients to deal with such problems as incest, nonpayment of child support, alcohol and drug abuse, homelessness, custody, and visitation rights. The Crisis Center reported 213 new cases during the year, brought by 52 men and 161 women, and 768 repeat cases. There were 56 new cases of spousal abuse and 6 sexual abuse cases, including 4 alleged rapes and 2 cases of incest. A recent project on Women, Gender, and Poverty in the Windward Islands sponsored by the Crisis Center focused on the problems faced by women farmers who were displaced by the downturns in the banana industry. Since its opening in September 2001, the Women's Support Center, a government shelter for abused persons, assisted approximately 40 women with more than 100 children.

Women's affairs were under the jurisdiction of the Ministry of Home Affairs and Gender Affairs. The Ministry was responsible for protecting women's rights in domestic violence cases and preventing discrimination against women, including ensuring equal treatment in employment.

Children.—The Government gave high priority to improving educational opportunities and health care for children. Education was compulsory from age 5 through 15; registration fees were required. Approximately one-third of primary school children continued on to secondary schools, and the drop out rate from primary to secondary school was higher for boys than for girls. Government clinics provided prenatal care, immunization, child health care, and health education services.

The Saint Lucia Crisis Center reported that the incidence of child abuse remained high; it received 24 new cases involving child abuse during the year. As there was no welfare system in place, parents of sexually abused children sometimes declined to press sexual assault charges against the abuser in exchange for financial contributions toward the welfare of any babies born of such abuse. In September the press reported that a 10-year-old gave birth and that an 11-year-old was pregnant.

Persons with Disabilities.—No specific legislation protects the rights of persons with disabilities, nor mandates provision of access to buildings or government services for them. Several government buildings added ramps to provide access. There was no rehabilitation facility for persons with physical disabilities, although the Health Ministry operated a community-based rehabilitation program in residents' homes. There were schools for the deaf and for the blind up to the secondary level. There also was a school for persons with mental disabilities. Several blind persons worked at banks.

Section 6. Worker Rights

a. The Right of Association.—The Constitution specifies the right of workers to form or belong to trade unions under the broader rubric of the right of association. Most public sector employees and about 20 percent of the total work force was unionized. The law prohibits antiunion discrimination by employers, and there were effective mechanisms for resolving complaints. It also requires that employers reinstate workers fired for union activities.

Unions were independent of government and were free to choose their own representatives in often vigorously contested elections. There were no restrictions on

the formation of national labor federations. Several of the major unions belonged to an umbrella grouping called the Industrial Solidarity Pact that dealt with certain political matters.

Unions were free to affiliate with international organizations, and some did so.

b. The Right to Organize and Bargain Collectively.—Unions have the legal right to engage in collective bargaining, and they fully exercised this right in practice. The Registration of Trade Unions and Employer Organizations Act provides for compulsory recognition of unions and regulates internal union governance. Since it entered into effect in January 2000, it resulted in increased organizational activity by unions. There were three major unions—the National Workers Union, the Civil Service Association, and the Seamen, Waterfront, and General Workers Union—plus specialized unions for nurses and teachers.

Strikes in both the public and private sectors were legal, but there were many avenues through collective bargaining agreements and government procedures that may preclude a strike. The law prohibits members of the police and fire departments from striking. Other "essential services" workers—water and sewer authority workers, electric utility workers, nurses, and doctors—must give 30 days' notice before striking.

Labor law is applicable in the export processing zones (EPZs), and there were no administrative or legal impediments to union organizing or collective bargaining in those zones. Although many firms resisted union efforts to organize in the EPZs, the new registration law appeared to have a positive influence on organizing efforts.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced or bonded labor, and it was not known to occur. While there is no specific prohibition of forced or bonded labor by children, there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment.—Minors were protected legally from economic exploitation by several legislative acts, including the Employment of Women, Young Persons, and Children Act, which provides for a minimum legal working age of 14 years. The Government was in the process of updating the Labor Code to set the minimum legal working age at 16 years. The minimum legal working age for industrial work is 18 years. Child labor existed to some degree in the rural areas, primarily where larger, stronger, school-age children helped harvest bananas from family trees. Children also typically worked in urban food stalls or sold confectionery on sidewalks. However, these activities occurred on nonschool days and during festivals. The Department of Labor of the Ministry of Labor Relations, Public Service, and Cooperatives was responsible for enforcing statutes regulating child labor. Employer penalties for violating the 1938 child labor laws, which were being updated, were $3.55 (EC$9.60) for a first offense and $8.88 (EC$24) for a second offense. There were no formal reports of violations of child labor laws.

e. Acceptable Conditions of Work.—Minimum wage regulations in effect since 1985 set wages for a limited number of occupations. The minimum monthly wage for office clerks was $111 (EC$300), for shop assistants $74 (EC$200), and for messengers $59 (EC$160). The minimum wage was not sufficient to provide a decent standard of living for a worker and family, but most categories of workers received much higher wages based on prevailing market conditions. The 1999 Minimum Wage Act established a commission responsible for setting a minimum wage level; it met during the year but had not finished its work by year's end.

There is no legislated workweek, although the common practice was to work 40 hours in 5 days. Special legislation covers hours that shop assistants, agricultural workers, domestics, and persons in industrial establishments may work.

Occupational health and safety regulations were relatively well developed; however, there was only one qualified inspector for the entire country, although the other nine inspectors included some review of health and safety conditions in their general inspections. The Ministry enforced the act through threat of closure of the business if it discovered violations and the violator did not correct them. However, actual closures rarely occurred because of lack of staff and resources. Workers were free to leave a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons.—There were no laws that specifically address trafficking in persons. There were no reports that persons were trafficked to, from, or within the country.

SAINT VINCENT AND THE GRENADINES

St. Vincent and the Grenadines is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a unicameral legislative assembly compose the Government. The Governor General, appointed by the British monarch, was the titular head of state, with largely ceremonial powers. In October 2000, Prime Minister Sir James F. Mitchell of the New Democratic Party (NDP) resigned, following divisive general strikes during the spring, and Arnhim Eustace, an NDP parliamentarian, replaced him. In March 2001 elections that were generally free and fair, the Unity Labor Party (ULP) won 12 of the 15 parliamentary seats, and ULP leader Ralph Gonsalves became the new Prime Minister. The NDP had held power for 17 years. The judiciary was generally independent.

The Royal St. Vincent Police, the only security force in the country, included a coast guard and a small Special Services Unit (SSU) with some paramilitary training, which often was accused of using excessive force. The force was controlled by and responsive to the Government, but police continued to commit some human rights abuses.

The market-based economy relied heavily on its supply of natural resources, including agricultural products such as bananas and arrowroot, as well as on the tourist industry. The country's population was approximately 113,000, and much of the labor force was engaged in agriculture. Bananas were the leading export and a major source of foreign exchange earnings. However, the banana industry was declining, and the growing tourism sector has become the leading earner of foreign exchange. Foreign remittances, an important source of income, declined. Unemployment was estimated to be between 25 and 40 percent, and real gross domestic product declined by 0.6 percent in 2001, compared with an increase of 2.1 percent in 2000.

The Government generally respected citizens' human rights; however, there were problems in a few areas. The SSU was accused of one killing. Other principal human rights problems included instances of excessive use of force by police, the Government's failure to punish adequately those responsible for such abuses, poor prison conditions, and an overburdened court system. Violence against women and abuse of children also were problems. St. Vincent and the Grenadines was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings.

In September police shot and killed Othis Rhyne in his home on the island of Canouan in the course of executing a search warrant for illegal drugs. Newspaper reports focussed on a statement in the official press release from the police force indicating that Rhyne was shot not during but after a struggle with a police constable. The Police Department and a new Oversight Committee investigated the shooting. The Director of Public Prosecution (DPP) determined that there was insufficient evidence to bring charges again the police.

In March the authorities charged Prison Superintendent Eric Rodriguez with murder for the November 2001 death of inmate Kingsley Henry during a disturbance in the prison courtyard. The Superintendent claimed to have fired warning shots in the air to quell the riot; Henry, who received a bullet wound, died in the hospital. The DPP said that forensic evidence proved that the bullet that killed Henry was fired from Rodriguez's gun, and that three inmates claimed to have seen the Superintendent intentionally shoot an unarmed Henry from close range after he left the main yard and the disturbance at the prison had been quelled. However, at the trial in July, the High Court held that the prosecution had failed to make a case, and Rodriguez was acquitted. The Prime Minister reinstated Rodriguez to his post as Prison Superintendent a few days later (*see* Section 1.c).

In the December 2000 police killing of Ezekiel "Zulu" Alexander during a chase, the President of the Saint Vincent and the Grenadines Human Rights Association (SVGHRA) asserted that it was unnecessary, irresponsible, and unlawful. An inquest determined that one of the two policemen was liable for unlawful killing. The policeman was charged with manslaughter but was acquitted in an October trial.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and other forms of cruel, inhuman, or degrading treatment or punishment. However, regional human rights groups noted that a high percentage of convictions were based on confessions. One human rights group believed that some of these confessions resulted from unwarranted police practices, including the use of physical force during detention, illegal search and seizure, and failure to inform properly those arrested of their rights.

In 2001 there were at least two cases of persons shot and injured in their homes by police who pursued them to enforce outstanding warrants for unpaid court fines. After police wounded Denzil Grant on the island of Bequia, the police filed assault charges against him in Magistrate's Court claiming that he had attacked the police with a cutlass. The magistrate found Grant guilty of attacking the police but only reprimanded and discharged him. The finding of guilt, however, effectively nullified any claim he might have had against the police for wounding him.

The Government established an Oversight Committee to monitor police activity and hear public complaints about police misconduct; members included a former attorney general and a religious leader. The committee reported to the Minister of National Security and to the Minister of Legal Affairs and actively participated in investigations during the year. The SVGHRA participated in two training seminars for police officers covering human rights and domestic violence.

Prison conditions were poor. Prison buildings were antiquated and overcrowded, with one holding more than 300 inmates in a building designed for 75; these conditions resulted in serious health and safety problems. The main prison is a four-building compound located in Kingstown. Pretrial detainees were held with convicted prisoners.

A 2001 report on prison conditions concluded that the main prison was "a university for crime" due to endemic violence, understaffing, underpaid guards, uncontrolled weapons and drugs, an increase in HIV/AIDS, and prevalence of unhygienic conditions such as missing toilets. The report stated that inmates received protection from internal violence through their membership in gangs. The report documented that after a prisoner was released, he was expected to throw alcohol, weapons, and drugs back over the prison wall for use by his gang. If a prisoner did not and, as frequently happened, returned to jail, he would be beaten severely. In addition, according to the report, a prisoner could expect to be stabbed sometime during his imprisonment. The report also noted that police and guards conducted sporadic, infrequent, and inefficient searches of the prison.

Toward the end of the year, the Government announced plans to build a new $4.8 million (EC$13 million) prison in Bellisle on the west coast. The new facility was designed to hold 400 male inmates, with separate areas for juveniles and first-time offenders.

In the January 2001 stabbing of then-Superintendent Leroy Latchman, followed days later by the killing of two inmates (one of whom allegedly had attacked Latchman), there was a preliminary inquiry, and the case was heard in the High Court in October. The court acquitted the accused inmates, ruling that the prosecution failed to make a case.

In July 2001, the Government hired a new Superintendent of Prisons, Eric Rodriguez, who reportedly ended the practice of inmates seeking protection from prison gangs. He also began in-house training of guards and arranged for guards to be trained in Barbados. There were 72 guards for 300 male inmates, and there were plans to increase the staff by 20 new guards. A rehabilitation program began, and inmates received contracts and jobs with local entrepreneurs. A school program began with courses in carpentry, tailoring, baking, and mechanical engineering.

In November 2001, inmate Kingsley Henry was shot and killed during a disturbance at the prison. The Prison Superintendent was charged with murder and taken into custody, but was later discharged when the High Court determined that the prosecution had not made a case (*see* Section 1.a.).

Inmates were allowed to speak freely with their lawyers, but a human rights lawyer asserted that there is an existing rule that a prison officer must stand not only within sight, but also within hearing of the inmate and his lawyer. Prison officials countered that an attorney may request that a guard not be within hearing range while discussing specifics of an inmate's case.

Female inmates were housed in a separate section in the Fort Charlotte prison. A family court handled criminal cases for minors up to age 16. Children may be charged and convicted as criminals from the age of 16. In such cases, children then may be jailed with older criminals. Conditions were inadequate for juvenile offenders, but there were plans to place first-time offenders in Fort Charlotte.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that persons detained for criminal offenses must receive a fair hearing within a reasonable time by an impartial court, and the Government generally respected these provisions in practice; however, complaints continued regarding police practices in bringing cases to court. Although there were only three official magistrates, the registrar of the High Court and the presiding judge of the family court effectively served as magistrates when called upon to do so. Some defense attorneys claimed that there were 6- to 12-month delays in preliminary inquiries for serious crimes.

The Constitution prohibits exile, and it was not used in practice.

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

The judiciary consists of lower courts and a High Court, with appeal to the Eastern Caribbean Court of Appeal and final appeal to the Privy Council in the United Kingdom. There were three official magistrates, including the Chief Magistrate, a senior magistrate, and one other magistrate. In addition, the Registrar of the High Court had the authority to sit as a magistrate if called upon. The Chief Magistrate was also president of the family court. At year's end, the Eastern Caribbean nations were still considering proposals to create a new Caribbean court of justice to hear final appeals.

The Constitution provides for public trials. The court appointed attorneys for indigent defendants only when the defendant was charged with a capital offense. Defendants were presumed innocent until proven guilty and may appeal verdicts and penalties. The backlog of pending cases was reduced, even though the magistrate's court in Kingstown lacked a full complement of magistrates.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary search and seizure or other government intrusions into the private life of individual citizens, and there were no reports of such abuses during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

There were two major newspapers and numerous smaller, partisan publications; all were privately owned, and most were openly critical of the Government's policies. There were no reports of government censorship or interference with the operation of the press during the year. However, individual journalists believed that government advertising, a significant source of revenue, sometimes was withheld from newspapers that published articles unfavorable to the Government.

On September 16, editors from various Caribbean countries met in Barbados to lay the groundwork for an Eastern Caribbean Press Council. During the meeting, the journalists agreed to regulate themselves in accordance with a Code of Ethics, which was adopted in November. Two newspapers in St. Vincent agreed to participate.

The sole television station in St. Vincent was privately owned and operated without government interference. Satellite dishes were popular among those who could afford them. There was also a cable system with mainly North American programming that had over 300 subscribers. There were seven radio stations, one of which was government-owned.

In September Prime Minister Gonsalves, in his personal capacity, filed slander charges against Edward Lynch, a popular radio talk show host, and BDS Limited, the company that owned the radio station. Gonsalves alleged that Lynch, the host of a radio program sponsored by the opposition New Democratic Party, slandered Gonsalves by wrongly insinuating that he used public funds to pay for airline tickets to Rome for his daughter and mother. The matter was still before the court at year's end.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

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

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

Members of the Rastafarian community have complained that law enforcement officials unfairly targeted them. However, it was not clear whether such complaints reflect discrimination on the basis of religious belief by authorities or simply en-

forcement of laws against marijuana, which is used as part of Rastafarian religious practice.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

No formal government policy toward refugee or asylum requests existed. The issue of the provision of first asylum did not arise during the year. A Red Cross representative served as the honorary liaison with the office of the U.N. High Commissioner for Refugees.

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

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

Citizens have the right to change their government through regularly scheduled free and fair elections. The country has a long history of multiparty parliamentary democracy. The Constitution provides for general elections at least every 5 years. During the 1998 election, the ruling New Democratic Party won 8 of 15 seats in Parliament, despite losing the popular vote by 55 to 45 percent to the opposition Unity Labour Party. Calling this outcome an "overt manifestation of rejection by the public" of Prime Minister Mitchell's government, the ULP claimed election fraud and demanded new elections. The Prime Minister refused the ULP demand. Subsequent demonstrations led to internal pressures and to an agreement brokered by members of the Caribbean Community that elections would be held in 2001. In November 2000, leaders of the three political parties signed a "Code of Conduct" intended to govern the campaign period, including a pledge of equal time on local radio and other electronic media and an agreement not to incite or encourage violence. The parties generally adhered to the code during the campaign.

On March 28, 2001, elections were held in accordance with the agreement. There was no serious violence, and observers declared the voting to be generally free and fair. The opposition ULP won 12 out of the Parliament's 15 elected seats, and Dr. Ralph Gonsalves became Prime Minister, ending 17 years of NDP rule. Former Prime Minister Arnhim Eustace, who had taken over leadership of the NDP and become Prime Minister in 2000, was one of three NDP candidates to win a seat.

In addition to the 15 elected Members of Parliament, the Governor General appoints 6 more members, 4 on the nomination of the Prime Minister and 2 on the nomination of the Leader of the Opposition. These nominated members, who are called Senators, have the same privileges as the elected members except that they are not permitted to vote on a motion of no confidence brought against the Government.

There were no legal impediments to women's full participation in politics or government. In March 2001, voters elected two women to Parliament; they also served as cabinet ministers—the Minister of Tourism and the Minister of Social Services. There were two female Senators. The Deputy Governor General and the Attorney General were also female.

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

Opposition political groups and the press often commented on human rights matters of local concern. The SVGHRA monitored government and police activities, especially with respect to treatment of prisoners, publicizing any cases of abuse. The SVGHRA participated in training seminars. The Government generally was responsive to public and private inquiries about its human rights practices.

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

The Constitution provides for equal treatment under the law regardless of race or sex, and the Government generally adhered to this provision in practice.

Women.—Violence against women, particularly domestic violence, remained a serious problem. The Domestic Violence/Matrimonial Proceedings Act and the more accessible Domestic Violence Summary Proceedings Act provide for protective orders, as well as occupation and tenancy orders; the former only is accessible through the High Court, but the latter can be obtained without the services of a lawyer in family court. As part of a human rights education program, the SVGHRA conducted numerous seminars and workshops throughout the country to familiarize citizens with their rights. Increasing numbers of women came forward with domestic violence complaints. Development banks provide funding through the Caribbean Association

for Family Research and Action for a program of Domestic Violence Prevention, Training, and Intervention. Police received training on domestic abuse, emphasizing the need to file reports and, if there was sufficient evidence, to initiate court proceedings. To counter the social pressure on victims to drop charges, some courts imposed fines against people who brought charges but did not testify. Depending on the magnitude of the offense and the age of the victim, the punishment for rape generally was 10 or more years in prison. Sentences of 20 years have been handed down for sexual assault of very young minors.

A 1995 amendment to the Child Support Law allows for payments ordered by the courts, even when notice of an appeal has been filed. Previously, fathers who had been ordered to pay child support could appeal decisions and not pay while the appeal was being heard. This resulted in a huge backlog of appeal cases and effectively reduced the number of mothers and children receiving support payments. There was a family court in the capital city of Kingstown with one magistrate. According to the SVGHRA, because there were only a few bailiffs to service the country, summonses often were not served on time for cases scheduled to be heard in court.

The Office of Gender Affairs was under the Ministry of Education, Women's Affairs, and Culture. This office assisted the National Council of Women with seminars, training programs, and public relations. The minimum wage law specifies that women should receive equal pay for equal work.

Marion House, an independent social services agency, was established in 1989 to provide counseling and therapy services. Four trained counselors and one foreign volunteer who is a clinical psychologist staff it. In 2001 the organization moved to a new building paid for with funds provided by the European Union, and it earned income by renting out office space to a government agency.

Children.—Education is not compulsory, but the Government investigated cases in which children were withdrawn from school before the age of 16. The Government cited lack of funding for new schools as an obstacle to making education compulsory. As a supplement to secondary school, the Government sponsored the Youth Empowerment Program, which was an apprenticeship program for young adults interested in learning a trade. Approximately 440 youths were enrolled in this program, earning a stipend of about $148 (EC$400) a month. The teachers' union estimated that between 8 and 10 percent of secondary school-age children did not attend school during the year. Despite the Government's efforts to support health and welfare standards, the infant mortality rate still was very high at 21 deaths per 1,000 live births, in part due to the large number of children born to teenage mothers.

The Domestic Violence Summary Proceedings Act provides a limited legal framework for the protection of children. Nevertheless, reports of child abuse remained high and were on the increase. The Family Services Department, Ministry of Social Development, was the Government agency responsible for monitoring and protecting the welfare of children. The police were the enforcement arm; the Family Services Department referred all reports of child abuse to the police for action.

Persons with Disabilities.—There was no specific legislation addressing persons with disabilities, and the circumstances for such persons were generally difficult. Most persons with severe disabilities rarely left their homes because of the poor road system and lack of affordable wheelchairs. The Government partially supported a school for persons with disabilities, which had two branches. A separate, small rehabilitation center treated about five persons daily.

Section 6. Worker Rights

a. The Right of Association.—Citizens had the right to form unions and organize employees under the constitutional provisions for freedom of association; however, there was no law that requires employers to recognize unions. Less than 10 percent of the work force was unionized. The Trade Unions Act covers registration of unions; a draft Labor Relations Act under debate included a proposal for employer recognition of trade unions. The constitutional prohibition against discrimination could be applied to antiunion discrimination; however, in practice few such complaints were lodged because employers cited other reasons for dismissal.

The Protection of Employment Act provides for compensation and worker rights, but these were restricted to protection from summary dismissal without compensation and reinstatement or severance pay if unfairly dismissed. The law provides a severance package of 2 weeks' pay for each year of service, with a maximum of 52 weeks. The Government's proposed Employment Relations Act would repeal the Protection of Employment Act and provide for enhanced worker rights.

Unions had the right to affiliate with international bodies, and they did so in practice.

b. The Right to Organize and Bargain Collectively.—There were no legal obstacles to organizing unions; however, no law requires employers to recognize a particular union as an exclusive bargaining agent. The Trade Dispute, Arbitration, and Inquiry Act provides that if both parties to a dispute consent to arbitration, the Minister of Labor can appoint an arbitration committee from the private sector to hear the matter.

There was no general prohibition against strikes; however, the Essential Services Act prohibits persons providing such services (defined as electricity, water, hospital, and police) from striking. In January workers at the St. Vincent Marketing Corporation went on strike for 2 days to protest the layoff of 28 employees. The Ministers of Labor and Agriculture interceded, and the employer agreed to take back the workers, some of whom chose voluntary severance instead of returning to work.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and it was not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets the minimum working age at 16 years of age, and workers may receive a national insurance card at that age. The Ministry of Labor monitored and enforced this provision, and employers generally respected it in practice. The Labor Inspectorate at the Department of Labor received, investigated, and addressed child labor complaints. Labor officers in this unit conducted general inspections of work places annually. The age of leaving school at the primary level was 15 years; when these pupils left school, they usually were absorbed into the labor market disguised as apprentices. There was no known child labor except for children working on family-owned banana plantations, particularly during harvest time, or in family-owned cottage industries. The Government has partnered with the nongovernmental sector, including UNICEF, in an antipoverty strategy aimed at improving economic opportunities for youth.

e. Acceptable Conditions of Work.—The Government sets minimum wages, which were last promulgated in 1989. They varied by sector and type of work and were specified for several skilled categories, including attendants, packers, cleaners, porters, watchmen, and clerks. In agriculture the wage for workers provided shelter was $6.74 (EC$18) per day; industrial workers earned $7.49 (EC$20) per day. In many sectors, the minimum wage was not sufficient to provide a decent standard of living for a worker and family, but most workers earned more than the minimum. By law, the Wages Council should meet every 2 years to review the minimum wage, but it had not met since 1989. A new Wages Council was appointed in March 2001 following the elections; it met and submitted minimum wage recommendations to the Government, which held a town meeting in October to solicit public comment prior to consideration of a new minimum wage, scheduled to be submitted to Parliament in 2003.

The law prescribes workweek length according to category; for example, industrial employees work 40 hours a week, store clerks work 44 hours a week, and agricultural workers either 30 or 40 hours per week. The law provides workers a minimum annual vacation of 2 weeks after 1 year's service.

According to the Ministry of Labor, legislation concerning occupational safety and health is outdated. The most recent legislation, the Factories Act of 1955, has some regulations concerning factories, but enforcement of these regulations was ineffective. At year's end, the Government was reviewing this act and other laws and proposed to limit the exposure of agricultural workers to hazardous substances. Trade unions addressed some violations relating to safety gear, long overtime hours, and the safety of machinery. There were some reports of significant visual impairment by visual display unit workers, and some reports of hearing impairment by power station and stone crushing employees. The law does not address specifically whether workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, but it stipulates conditions under which plants must be maintained. Failure to do so would constitute a breach, which might cover a worker who refused to work under these conditions.

f. Trafficking in Persons.—There were no laws specifically addressing trafficking in persons. There were no reports that persons were trafficked to, from, or within the country during the year.

SURINAME

The Government is still in the process of institutionalizing democratic, constitutional rule in the country. After generally free and fair elections in May 2000, the 51-member National Assembly elected Ronald Venetiaan of the National Party of Suriname (NPS) as President in August 2000; he replaced Jules Wijdenbosch of the National Democratic Party (NDP). Venetiaan previously served as President in 1991–96. The judiciary was generally independent, although it was inefficient.

The armed forces were responsible for national security and border and immigration control; they were under the effective control of the civilian Minister of Defense. Civilian police bore primary responsibility for the maintenance of law and order; they reported to the Ministry of Justice and Police. During the year, the military helped the police maintain security in remote communities near large enterprises and conducted joint patrols with the police on an ad hoc basis to combat crime on highways. The first Venetiaan government had reformed the military in 1995–96 by purging military officers and supporters of former dictator Desi Bouterse, who ruled the country in the 1980s. Bouterse's NDP won 10 seats in the National Assembly in 2000, 1 of which he occupies. Over the past few years, the NDP's influence within the military declined steadily; however, Bouterse still retained influence with some military officers. The military police continued to maintain responsibility for control of the country's borders and airports, but it had not investigated civilian crimes since 1989. Members of the police and prison guards committed some human rights abuses.

The mixed economy depended heavily on the export of bauxite derivatives. The country's population was approximately 450,000. The Government and state-owned companies employed over half the working population. Unregulated gold mining was an increasingly important economic activity that highlighted a lack of land rights for indigenous and tribal peoples and had a serious negative environmental impact. Estimated gross domestic product grew by approximately 3 percent. The inflation rate was 28.3 percent, compared with 4.2 percent in 2001 and 82 percent in 2000. Poverty was widespread; one report estimated that 85 percent of families lived below the poverty line.

The Government generally respected the human rights of its citizens; however, serious problems remained in some areas. Police mistreated detainees, particularly during arrests; guards abused prisoners; and local detention facilities remained overcrowded. Lengthy pretrial detention was a problem, and the judiciary suffered from ineffectiveness and a huge case backlog due to the shortage of judges. Media self-censorship continued. Societal discrimination against women, minorities, and tribal people persisted. Violence against women and trafficking in women and girls were problems. Suriname was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In August 2001, there was one report of an alleged police killing in the town of Albina, on the border with French Guiana. When the police took a man into custody on suspicion of motor bike theft, they took him to a detention area and handcuffed him. He allegedly tried to escape and was shot in the back of the head without warning. The victim's family called for an investigation into the shooting. According to Moiwana '86, a human rights group, the responsible police officer was tried in March, found guilty, and sentenced to 5 years in prison.

The Government did not address many past abuses, and they continued to be a focus of concern. The authorities took no action against prison guards who allegedly beat a prisoner to death in 1993. There was no investigation into the 1986 massacre of more than 50 civilians at the village of Moiwana; however, according to various human rights groups, the Venetiaan government appeared to be interested in investigating the Moiwana case but did not actually begin an investigation. In 1997 Moiwana '86 took the case to the Inter-American Commission on Human Rights (IACHR), which gave the Government until December 1 to report on the status of its investigation.

After the elections in 2000, there were calls for the new government to launch an investigation into the December 1982 killings by the Bouterse regime of 15 prominent political, labor, business, and media leaders before the 18-year statute of limitations expired in December 2000. In October 2000, the Court of Justice began

hearings on the killings in response to a request from relatives of the victims. Bouterse's lawyer sought to postpone the hearings, but the court denied his request. The court heard testimony from the victims' relatives, human rights activists, and the prosecutor's office, which had not yet made any investigation into the killings. Previously, Bouterse himself had requested an investigation, after the victims' relatives asked a Dutch court to prosecute him in that country. In September 2001, the Dutch court ruled that it did not have jurisdiction, but the Dutch High Court later ruled that some of the charges against Bouterse could be prosecuted in the Netherlands. Following an order from the Court of Justice, an examining judge continued an investigation into the killings. During the year, two rogatory commissions visited the Netherlands to gather testimony, and with the collection of testimony completed, Dutch forensic experts arrived to examine exhumed bodies. However, no suspects were charged or brought to trial by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances. However, the Government had yet to take any action to investigate allegations of some disappearances that occurred under previous regimes.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits inhuman treatment or punishment; however, human rights groups continued to express concern about official mistreatment and have documented cases of police mistreatment of detainees, particularly during arrests, and guard abuse of prisoners.

Citizens filed a total of 235 cases with the Personnel Investigation Department (OPZ), the majority of which were for physical mistreatment. The OPZ is an office within the Police Department that is responsible for investigating complaints against officers. It makes recommendations regarding whether or not an officer should be punished internally, or if criminal charges should be brought. The authorities arrested 10 officers and relieved 22 officers from their duties. Police officers have been charged with brutality, but no figures were available regarding sentencing.

Beatings by police were common. Police officers, who were not trained in prison work, served as the jailers at local detention facilities, a situation that human rights groups asserted contributed to the abuses. There were three prisons and several detention facilities at police stations, where arrestees were detained until they appeared before a judge for trial. Human rights activists were concerned about conditions in the prisons and especially about conditions in local detention facilities, which remained overcrowded. At police stations, guards allowed detainees no exercise and only rarely permitted them to leave their cells. Detainees and human rights groups also complained about inadequate meals, although families were permitted and encouraged to provide food to incarcerated relatives. There was no consideration for persons who required a specific diet for religious reasons. Human rights monitors reported that guards mistreated detainees, and that medical care and living conditions were inadequate.

Prison conditions were poor, and in many cases they did not meet international standards. Violence among prisoners was common, and the authorities usually did not punish prisoners for violence against other prisoners. Some prison facilities were renovated in recent years, which improved health and safety conditions. However, most facilities, especially older jails, remained unsanitary and seriously overcrowded, with as many as four times the number of detainees for which they were designed.

Conditions in women's jail and prison facilities were, in general, better than those in the men's facilities. There was a wing of an adult prison for boys under age 18 who had committed serious crimes. Juvenile facilities for boys between the ages of 10 and 18 within the adult prison were adequate; educational and recreational facilities were provided. There was no separate facility for girls under the age of 18, who were housed within the women's detention center and in the women's section of one of the prison complexes.

Since 1996 Moiwana '86 has monitored the condition of prisoners. Representatives of the group reported that in general they had access to prisoners and received cooperation from prison officials on routine matters. When requesting access to individual prisoners, human rights observers generally gained access quickly. However, if an individual had filed a complaint with the organization claiming physical mistreatment, access often was delayed. The authorities granted the group permission to visit one prison on a regular basis, on the condition that they meet with the head of the prison following such visits. Moiwana '86 reported that the authorities granted all requests for prison visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the authorities generally respected these provisions in practice. How-

ever, delays caused prisoners who appealed their sentences to remain in prison until a ruling was reached on their appeal, even if they had served the full term of their original sentence. Lawyers filed complaints, but the problem was not resolved.

The law provides that the police may detain for investigation for up to 14 days a person suspected of committing a crime for which the sentence is longer than 4 years. During the 14-day period, the law also permits incommunicado detention, which must be authorized by an assistant district attorney or a police inspector. Within the 14-day period, the police must bring the accused before a prosecutor to be charged formally. If additional time is needed to investigate the charge, a prosecutor may authorize the police to detain the suspect for an additional 30 days. Upon the expiration of the initial 44 days, a judge of instruction may authorize the police to hold the suspect for up to 120 additional days, in 30-day increments (for a total of 164 days), before the case is tried. The judge of instruction has the power to authorize release on bail, but that power was used rarely, if ever. In July 2001, there was a fire in the lower courthouse, which caused a delay both in investigations and in court proceedings. As a result, in August 2001 the Government enacted emergency legislation that lengthened the initial period an inmate may be held without judicial appearance to 120 days. A judge may extend the period twice by 30 days.

Pretrial detainees, who constituted a large percentage of inmates, routinely were held without being brought before a judge. The average length of pretrial detention varied; for lesser crimes it was from 30 to 45 days, while for more serious crimes, the maximum time usually was utilized. Detainees often were held in overcrowded detention cells at local police stations. A steadily growing number of persons who already had been convicted but not yet placed in prisons due to a lack of space in prison facilities were held in police custody or detention cells.

The military police continued to observe the requirement to hand over to the civil police civilians arrested for committing a crime in their presence.

The Constitution does not address exile; however, it was not used in practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, disputes over the appointment of judges to the bench undermined the independence of the judiciary in recent years. In 2000 the President appointed a new Solicitor General, and the Court of Justice confirmed him in September 2001. The President had yet to confirm the Acting Attorney General, although he has served in that position since 2000. Appointment as Attorney General is a lifetime position. As a result of the conflict from previous years, the effectiveness of the civilian and military courts still was limited in practice, but at year's end the judiciary appeared to be acting generally independently, albeit inefficiently, since it was hampered by a large case backlog.

The judicial system consisted of three lower courts and an appeals court, which was called the Court of Justice; there was no Supreme Court. The Government had not yet appointed a permanent president for the Court of Justice. There were only seven judges and five acting judges in the judiciary. The 1987 Constitution calls for the establishment of an independent constitutional court; the National Assembly debated creating such a court since then, but had not done so.

The Constitution provides for the right to a fair public trial in which defendants have the right to counsel if needed. The courts assign lawyers in private practice to defend indigent prisoners and pay lawyers from public funds. However, the court-assigned lawyers, of whom there were four, usually only appeared at the trial. According to Moiwana '86, sometimes these lawyers did not appear at all. The courts must, and in practice did, free a detainee who was not tried within the 164-day period. Trials were before a single judge, with the right of appeal. Due to the shortage of judges, there was a backlog of cases of 1 year for civil cases and up to 6 months for criminal cases.

Military personnel generally were not subject to civilian criminal law. A member of the armed forces accused of a crime immediately came under military jurisdiction, and military police were responsible for all such investigations. Military prosecutions were directed by an officer on the public prosecutor's staff and took place in separate courts before two military judges and one civilian judge. The military courts followed the same rules of procedure as the civil courts. There was no appeal from the military to the civil system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy. The law requires warrants, which are issued by quasi-judicial officers who supervise criminal investigations, for searches. The police obtained them in the great majority of investigations. While in the past there were complaints of surveillance of human rights workers by members of the

military police and the Central Intelligence and Security Service, none were reported during the year. There was still a threat of forced resettlement of indigenous populations due to the granting of timber and gold concessions (*see* Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, some media members continued to practice occasional self-censorship because of the history of intimidation and reprisals by certain elements of the former military leadership.

In July the daily newspaper De West was threatened in connection with its coverage of weapons theft from the Government's Central Intelligence and Security Service. In April 2000, that newspaper had been firebombed, but no suspects were arrested. According to De West, police knew the perpetrator of the crime.

There were 3 daily newspapers, 11 television stations, and about 25 radio stations. Three television stations and two radio stations were owned publicly. Three companies, one owned publicly, provided cable television, which included foreign channels. Many television and radio stations broadcast only in a limited area. Two companies, one private and one public, offered unrestricted access to electronic media.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Despite a law from the 1930s requiring a permit to hold a public demonstration or gathering, the authorities allowed public marches to proceed without permits, if they were orderly and guided by police.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

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

For more detailed information see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens may change their residence and workplaces freely and may travel abroad as they wish. Political dissidents who emigrated during the years of military rule were welcome to return. Few of them chose to do so, generally for economic reasons. Citizenship was not revoked for political reasons.

Although it is possible for persons to be granted refugee status under special circumstances, there are no provisions in the law for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There were no such requests during the year.

The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise.

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

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

The Constitution provides for this right, but in the past the military prevented its effective exercise. Although the military twice transferred power to elected civilian governments following coups, 2000 marked the second time since independence from the Netherlands in 1975 that one elected government succeeded another in accordance with constitutional provisions. The Government is still in the process of institutionalizing democratic, constitutional rule.

The Constitution stipulates that power and authority rest with the citizens and provides for the right to change the Government through the direct election by secret ballot of a National Assembly of 51 members every 5 years. The National Assembly then elects the President by a two-thirds majority vote. If the legislature is unable to do so, as was the case both in the 1991 and 1996 national elections, the Constitution provides that a national people's assembly, composed of Members of Parliament and regional and local officials, shall elect the President.

The law allows early elections with the concurrence of both the National Assembly and the President; in May 1999, widespread street demonstrations triggered by the declining economy forced the Government of then-President Wijdenbosch to call early elections, which were held in May 2000. After those elections, which observers

considered to be generally free and fair, the National Assembly elected NPS leader Ronald Venetiaan as President in August 2000.

The Constitution provides for the organization and functioning of political parties. Many parties and political coalitions were represented in the National Assembly. President Venetiaan formed a cabinet from members of the New Front coalition, comprised of the NPS, a predominantly Creole party; the Progressive Reform Party, a predominantly Hindustani party; the Suriname Labor Party, a political wing of the largest labor union; and Pertjaja Luhur, a predominantly Javanese party.

There were historical and cultural impediments to equal participation by women in leadership positions in government and political parties. In the past, most women were expected to fulfill the roles of housewife and mother, thereby limiting opportunities to gain political experience or position. Participation by women in politics (and other fields) generally was considered inappropriate. While women made limited gains in attaining political power in recent years, political circles remained under the influence of traditional male-dominated groups, and women were disadvantaged in seeking high public office. There were 10 women in the 51-seat National Assembly; in 2000 the Assembly appointed a woman as vice chairperson. The Cabinet included one woman as Minister of Foreign Affairs, another as Minister of Internal Affairs, and a third as Deputy Minister of Social Affairs. In February 2001, the first female member of the Court of Justice was sworn in.

Although the Constitution prohibits racial and religious discrimination, several factors limited the participation of Maroons (descendants of escaped slaves who fled to the interior to avoid recapture) and Amerindians in the political process. Most of the country's political activity took place in the capital and a narrow belt running east and west of it along the coast. The Maroons and Amerindians were concentrated in remote areas in the interior and therefore had limited access to, and influence on, the political process. Voters elected the first Amerindians to the National Assembly in 1996. In the May 2000 elections, voters elected eight Maroons and one Amerindian to the National Assembly. There were no Maroons or Amerindians in the Cabinet.

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

Human rights groups operated without government restriction, investigating and publishing their findings on human rights cases; however, government officials generally were not cooperative or responsive to their views.

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

The Constitution and laws, with the exception of certain ethnic marriage laws, do not differentiate among citizens on the basis of their ethnic origins, religious affiliations, or other cultural differences. However, in practice several groups within society suffered various forms of discrimination.

Women.—Violence against women was a problem. The law does not differentiate between domestic violence and other forms of assault. The Government has not addressed specifically the problem of violence against women. According to a national women's group, victims continued to report cases of violence against women and complained of an inadequate response from the Government and society to what appeared to be a trend of increasing family violence. No reliable statistics were available as to the extent of the problem. However, Stop the Violence Against Women, a nongovernmental organization (NGO), stated that among those women who reported their abuse to the group, the average abused woman was married, between the ages of 25 and 50, had two to three children, and was employed in a low-paying job. Although the police were reluctant to intervene in instances of domestic violence, a national women's group noted that police attitudes improved significantly as a result of training conducted in 1999. For example, two police stations opened victim's rooms, the first in Nickerie in 2000 and the second during the year in Paramaribo, to provide better services to victims of all kinds of crimes. The Government planned to open a victim's room in every police station.

Rape is illegal, but spousal rape was not against the law. During the year, there were 50 prosecutions for rape, with 38 convictions; sentences ranged from 12 months to 5 years.

There were no specific laws to protect women against sexual exploitation. Prostitution is illegal; however, law enforcement officials did not enforce prostitution laws or arrest women for prostitution unless they were working on the street. Police allowed many "brothel-type" establishments to operate, and officials asserted that they made random checks on the brothels twice a month to see if women were being abused or held against their will. In spite of this effort, there were credible reports of trafficking in women for prostitution (*see* Section 6.f.).

There were no laws prohibiting sexual harassment, and it did occur.

Women had the right to equal access to education, employment, and property. Nevertheless, social pressures and customs, especially in rural areas, inhibited their full exercise of these rights, particularly in the areas of marriage and inheritance. Women experienced economic discrimination in access to employment and in rates of pay for the same or substantially similar work. A report published in March showed that 89 percent of women were employed in entry-level positions, 9 percent had mid-level jobs, and 3 percent held management positions. More than 60 percent of women worked in traditionally female administrative or secretarial jobs. The Government did not make specific efforts to combat economic discrimination. In February the Government ratified the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against women; as a result, it has to adjust existing legislation to bring it into compliance with the Convention.

There was a National Gender Bureau in the Ministry of Home Affairs, which prepared an Integral Gender Action plan for 2000–2005 and appointed a program manager for gender policy in June 2001. However, its effectiveness was limited severely by financial and staffing constraints. The principal concerns of women's groups were political representation, economic vulnerability, violence, and discrimination.

Children.—The Government allocated only limited resources to ensure safeguards for the human rights and welfare of children. School is compulsory until 12 years of age, but some school-age children did not have access to education due to a lack of transportation, facilities, or teachers. School attendance was free; however, most public schools imposed a nominal enrollment fee, ranging from $4 to $24 (Sf10,000 to Sf60,000) a year. If a family was unable to pay, the Government provided assistance. Families must supply uniforms, books, and miscellaneous supplies. Approximately 70 percent of children in cities attended school. Children in the interior did not receive the same level of education as those in the city, and as few as 40 percent actually attended school. Children faced increasing economic pressure to discontinue their education in order to work (*see* Section 6.d.). There was no legal difference in the treatment of girls and boys in education or health care services, and in practice both were treated fairly equally.

There were continuing reports of malnutrition among poor children, but it was difficult to quantify the extent of the problem. In the capital, where most of the country's population was concentrated, there were several orphanages and one privately funded shelter for sexually abused children. Elsewhere, distressed children usually relied on the resources of their extended families.

There was no societal pattern of abuse directed against children; however, some children were exploited sexually, and there were credible reports of trafficking in girls for prostitution (*see* Section 6.f.). There was increased awareness of sexual abuse of children during the year, although the number of reports declined. During the year, a local NGO mounted a campaign against child sexual abuse in a newspaper and on the radio to increase awareness.

The legal age of sexual consent is 14; however, it was not enforced strictly, and the Asian Marriage Law sets the marriage age for children of Asian descent at 13 years for girls and 15 years for boys. Otherwise, individuals of Asian descent must be 30 years old to marry without parental permission.

Persons with Disabilities.—There were no laws concerning persons with disabilities and no provisions for making private or public buildings accessible to them. There were also no laws mandating that they be given equal consideration when seeking jobs or housing. However, there were some training programs for the blind and others with disabilities. In practice persons with disabilities suffered from discrimination when applying for jobs and services.

Indigenous Persons.—The Constitution affords no special protection for, or recognition of, indigenous people. Most Amerindians suffered a number of disadvantages and had only limited ability to participate in decisions affecting their lands, cultures, traditions, and natural resources. The country's political life, educational opportunities, and jobs were concentrated in the capital and its environs, while the majority of Amerindians (as well as Maroons) lived in the interior. Government services in the interior were largely unavailable, and much of the infrastructure was destroyed during the 1986–91 insurgencies; progress in reestablishing services and rebuilding the infrastructure was very slow.

The Government-appointed Consultative Council for the Development of the Interior, provided for in the 1992 peace accords that formally ended the insurgencies, included representatives of the Maroon and Amerindian communities. However, the Government did not consult with representatives of these communities about the granting of gold and timber concessions on indigenous and tribal lands. Following demonstrations in July 2001 by veterans of the Jungle Commando, who played a

large role in the insurgencies, their de facto leader Ronny Brunswijk met with the Minister of Regional Development. The meeting resulted in a promise of quarterly meetings to monitor implementation of the 2001 Lelydorp Accord, which superseded the 1992 peace accords. The Government began integrating former Jungle Commando members into the police but had not implemented the native land rights portion of the agreement.

Organizations representing Maroon and Amerindian communities complained that small-scale mining operations, mainly by illegal Brazilian gold miners, dug trenches that cut residents off from their agricultural land and threatened to drive them away from their traditional settlements. Mercury runoff from these operations also contaminated and threatened traditional food source areas.

The Maroon and Amerindian populations still faced problems with illegal and uncontrolled logging and mining. In October 2000, the Vereniging van Saramakaanse Gezagdragers, an organization representing 12 Saramaccaner villages, filed a petition with the IACHR claiming that lumber operations, mostly by Chinese-owned concessions, were threatening their way of life. The villagers sought observance of a 1762 treaty between their ancestors and Dutch colonial authorities, which granted ownership of the interior to the tribes as long as they occupied the land. At year's end, the case was still pending, and the Government had not investigated the alleged claims.

A major bauxite producer had continued problems with Maroon groups; the Maroons claimed that the concessions were located on tribal land, and the company claimed infringement on its concessions. The company depended upon the police and army to monitor the area and prevent conflict.

Maroon and Amerindian groups continued to cooperate with each other in order to exercise their rights more effectively. During an annual meeting in September, the Association of Indigenous Village Chiefs discussed socioeconomic problems, land rights, nature reserves, and biodiversity. The leaders wanted the Government to honor provisions of the peace accords with the Jungle Commando in 1991 and with the Tucajana Amazones in 1992 to establish economic zones around both Maroon and indigenous communities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution protects the right of workers to associate and to choose their representatives democratically. Nearly 60 percent of the work force was organized into unions, and most unions belonged to one of the country's six major labor federations. Unions were independent of the Government but played an active role in politics. The small Labor Party historically was a very influential force in government.

The law prohibits antiunion discrimination by employers, and there are effective mechanisms for resolving complaints of such discrimination. Employers must have prior permission from the Ministry of Labor to fire workers, except when discharging an employee for cause. The Labor Ministry individually reviews dismissals for cause; if it finds a discharge unjustified, the employee must be reinstated.

There were no restrictions on unions' international activities. Unions were active members of both the International Labor Organization and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Constitution explicitly recognizes these rights, and the authorities respected them in practice. Collective bargaining agreements covered approximately 50 percent of the labor force. Bauxite industry workers were organized, but gold miners were not.

The Constitution provides for the right to strike. Civil servants have the right to strike, and strikes in both the public and private sectors were common as workers tried to regain wages lost to inflation in previous years.

There were a number of strikes during the year. Striking fire fighters refused to assist a driver who was trapped following a collision; as a result, the driver died. The police union went on strike, but called it off after 3 days when the Government began a court case against the union. Other strikes involved government day care workers, banana workers, and a union representing workers manufacturing consumer goods.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor. The law prohibits forced and bonded labor by children; however, child prostitution did occur (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets the minimum age for employment at 14 years; however, the Ministry of Labor and the police enforced this law only sporadically. Children under 14 years of age

worked as street vendors, newspaper sellers, or shop assistants. Working hours for youths were not limited in comparison with the regular work force. Although government figures reported that only 2 percent of children were economically active, another survey found that 50 percent of children between the ages of 4 and 14 years were economically active, working mainly in the informal sector. The Government has not ratified the International Labor Organization's Convention 182 on elimination of the worst forms of child labor.

e. Acceptable Conditions of Work.—There was no minimum wage legislation. Including a cost of living allowance, the lowest wage for civil servants was about $138 (Sf386,000) per month. This salary level made it very difficult to provide a decent standard of living for a worker and family. Government employees, who constituted approximately 50 percent of the work force of 100,000 persons, frequently supplemented their salaries with second or third jobs, often in the informal sector. The President and Council of Ministers set and approve civil service wage increases.

Work in excess of 9 hours per day or 45 hours per week on a regular basis required special government permission, which was granted routinely. Such overtime work earned premium pay. The law requires one 24-hour rest period per week.

A 10- to 12-member inspectorate in the Occupational Health and Safety Division of the Ministry of Labor was responsible for enforcing legislated occupational safety and health regulations. Resource constraints and lack of trained personnel precluded the division from making regular inspections of industry. There was no law authorizing workers to refuse to work in circumstances they deem unsafe; they must appeal to the inspectorate to declare the workplace situation unsafe.

f. Trafficking in Persons.—The only laws that prohibit trafficking in persons were dated "white slavery" laws that were enforced rarely and applied only to women and children. There were credible reports of trafficking in women and girls within the country and to the country for prostitution. The country also was a transit point for trafficking. Women and girls from the interior were brought to the capital city and also to various gold mining locations in the interior. Several clubs in the capital were known for recruiting women from Brazil, Colombia, Venezuela, and the Caribbean (Guyana, Haiti, and the Dominican Republic). While prostitution is illegal, the law was not enforced. The police had an informal agreement with many "hotel" or brothel owners to allow them to proceed with their business as long as they did not hold the women's passports and the women were not mistreated. Random checks were performed on the establishments weekly; in several instances, police officers worked as advisers to the owners.

Brothel owners often attempted to hold airline tickets for women they had paid to bring to the country to ensure that the women completed their contracts. The police arranged a compromise with the brothels and the prostitutes that when disagreements arose, the police would hold the ticket until an agreement was reached. There were some reported instances of individuals brought to the country under false pretenses and then forced to work as prostitutes. In cases where the victims were able to alert the police, the police helped them to return to their country of origin at the victims' expense. In 2001 one club owner in Paramaribo was convicted in Brazil for trafficking in women.

There were credible reports of individuals using the country as a transit point to transport Brazilian women to Europe and the United States for purposes of prostitution. In addition, alien smuggling organizations used the country as an intermediate destination to smuggle Chinese and Indian nationals, including women and girls, to the United States, where frequently they were forced into bonded-labor situations.

TRINIDAD AND TOBAGO

Trinidad and Tobago, a member of the Commonwealth of Nations, is a parliamentary democracy in which there have been generally free and fair elections since independence from the United Kingdom in 1962. Parliament elects a president, whose office is largely ceremonial but does have some appointive power.

When the December 2001 elections produced an 18–18 balance in Parliament between the United National Congress (UNC) and People's National Movement (PNM), both parties agreed to allow President A.N.R. Robinson to designate the new Prime Minister. However, when the President selected the PNM's Patrick Manning, the UNC refused to abide by the decision, and the deadlocked Parliament was unable to pass legislation or elect a speaker for 9 months, until new elections on October 7 yielded a 20 to 16 working majority for Manning and the PNM. A 12-member

elected House of Assembly handled local matters on the island of Tobago. The judiciary was generally independent.

The Ministry of National Security oversaw the police service and the defense force, rendering them responsive to civilian authority. An independent body, the Police Service Commission, made all personnel decisions in the Police Service, and the Ministry had little direct influence over changes in senior positions. There were credible reports that police and prison guards committed some human rights abuses.

Oil and natural gas production and related downstream petrochemical industries, including ammonia and methanol production, provided the base for the market-based economy. The country's population was approximately 1.3 million. The service sector was the largest employer, although industrialization and associated plant construction created many jobs in the construction industry. Agriculture, while contributing only 4 percent to gross domestic product, remained an important employer, both at the subsistence and commercial level. Unemployment, at a reported 11 percent, contributed to a skewed income distribution. The economic growth rate was approximately 2.7 percent during the year.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Nonetheless, there were reports of police and guard abuse of prisoners. Poor prison conditions and significant violence against women remained problems. Trinidad and Tobago was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

At year's end, a pretrial hearing began in the case of former cabinet minister Danrajh Singh, charged for the 1999 murder of politician Hanraj Sumairsingh, and the trial was set for 2003. Despite public speculation about possible political motives for the murder, there were indications that corruption may have been the root of the incident.

On August 27, police arrested three prison guards in connection with the June 2001 death of prisoner Anton Cooper. The circumstances surrounding the death, and the slow pace of the investigation, provoked widespread criticism. At year's end, the three guards were charged with murder, and a preliminary inquiry was underway in Magistrate's Court.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were credible reports of police and prison personnel abusing prisoners in incidents that involved beating, pushing, and verbal insults. An Amnesty International report stated that use of excessive force and ill treatment of prisoners and suspects by police and guards continued. The Commissioner of Police admitted that there were frequent citizen allegations of police brutality, but he asserted that such claims often were "counterclaims" by citizens who had been arrested for crimes.

In June Sudesh Samaroo claimed that police officers beat him, abducted him from his home, taunted him, and threw him from a cliff before he managed to escape. The Police Complaints Authority opened an investigation into the charges, and the investigation continued at year's end.

In September prison authorities opened an investigation into claims by death row inmate Damian Ramiah that he had been severely beaten by prison officers on July 30.

In November Keyon Anthony charged that police officers severely beat him during a search for an illegal firearm; he never was charged with a crime. Anthony brought his allegations to the Police Complaints Authority.

Police corruption continued to be a problem. An independent body, the Police Complaints Authority, received complaints about the conduct of any police officer, monitored the investigation of complaints, and determined disciplinary measures where appropriate, including dismissal. However, Public Service Commission restrictions limited oversight authority to impose final discipline through dismissals. Several citizens' complaints alleging police corruption were lodged during the year. For example, in June residents of the town of Los Bajos appealed to the Commissioner of Police to protect them from three "rogue" police officers who allegedly made a practice of planting drugs on young men in order to arrest them. In Decem-

ber Allan Saran confessed to involvement in the kidnaping for ransom of a Port of Spain resident (subsequently freed) and identified two police officers as accomplices.

Prison conditions at two of the three largest men's prisons generally met international standards. However, conditions were worse at the Frederick Street Prison in Port of Spain, which dates from the 1830s. It was designed for 250 inmates but housed approximately 800 prisoners in December. Diseases such as chicken pox, tuberculosis, HIV/AIDS, and viruses spread easily, and prisoners had to purchase their own medication. The Commissioner of Prisons reported that the prison system held 4,090 inmates at year's end. Overcrowding was a problem in 4 of 8 facilities, where 2,290 inmates were housed in prisons built for 980. A new maximum security prison, opened in late 1998, has a capacity of 2,450. However, at year's end, it was not fully operational, held approximately 800 inmates, and had done little to relieve the overcrowding in the detention system.

On November 11, overcrowding caused a riot in the detention facility at the Port of Spain Magistrate's Court when officers attempted to house 80 detainees in cells built for 40 persons.

Pretrial detainees were held separately from convicted prisoners, although they could be in the remand section of the same facilities as convicted prisoners.

Conditions at the women's prison generally met international standards. Children between the ages of 15 and 19 were held at the Youth Training Center. Younger children were sent to the Boy's Industrial School.

The Government permitted prison visits by independent human rights observers, but the Ministry of National Security must approve each visit.

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

A police officer may arrest a person either based on a warrant issued or authorized by a magistrate or without a warrant when the officer witnesses commission of the alleged offense. For less serious offenses, the authorities typically brought the accused before a magistrate by way of a summons, requiring the accused to appear within 48 hours, at which time the accused could enter a plea. For more serious offenses, when the accused was brought before the court, the magistrate proceeded with a preliminary inquiry or, alternatively, committed the accused to prison on remand or allowed the accused to post bail until the inquiry. In practice, serious offenders also were charged within 48 hours following arrest.

The court could and did customarily grant bail to any person charged with any offense other than murder, treason, piracy, hijacking, or for any other offense for which death was the penalty fixed by law. In cases in which bail was refused, magistrates advised the accused of their right to an attorney and, with few exceptions, allowed them access to an attorney once they were in custody and prior to any interrogation. Police had the authority, under the Summary Courts Act, to grant bail to individuals charged with summary offenses. In July a Princes Town magistrate criticized police for applying this bail policy inconsistently, granting bail in some cases and refusing it in others.

In February the Government launched Operation Anaconda, a police action which promised to address the problem of crime through a new zero-tolerance policy. Press reports indicated the program had led to the arrests of more than 500 people by June. That month laborer Andy Anderson Ashby brought suit against the Attorney General alleging that he had been arrested in connection with an Operation Anaconda exercise and detained for almost 36 hours without being charged. At year's end, the Police Complaints Authority was still investigating Ashby's claim.

The Minister of National Security may authorize preventive detention in order to prevent actions prejudicial to public safety, public order, or national defense, and the Minister must state the grounds for the detention. There were no reports that the authorities abused this procedure.

The Constitution prohibits forced exile, and it was not used.

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

The Judiciary was divided into a Supreme Court of Judicature and the Magistracy. The Supreme Court was composed of the Court of Appeal and the High Court; the Magistracy included the summary courts and the petty civil courts.

All criminal proceedings commenced with the filing of a complaint in the summary court. Minor offenses were tried before the magistrate. For more serious offenses, the magistrate must conduct a preliminary inquiry. If there was sufficient evidence to support the charge, the accused was committed to stand trial before a judge and jury of the High Court. All civil matters were heard by the High Court.

Both civil and criminal appeals may be filed with the local court of appeal and ultimately to the Privy Council in London.

The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforced this right. All criminal defendants had the right to an attorney. In practice the courts sometimes appointed attorneys for those persons charged with indictable offenses (serious crimes) if they could not retain one on their own behalf. The law requires that a person accused of murder have an attorney. An indigent person may refuse to accept an assigned attorney for cause and may obtain a replacement.

Despite serious efforts to improve the administration of justice, problems remained in some areas. Trial delays, while not as extensive as in past years, remained a problem: adults prosecuted for serious offenses were committed for trial or discharged in 2 to 3 years in capital cases or within 5 years in noncapital cases; minors were tried or discharged within 1 year. The High Court showed improvement in reducing trial backlogs, but they remained significant at the magistrate court level. To help improve efficiency, the courts introduced computer-aided transcription to more speedily and efficiently create a record.

The death penalty was mandatory in all murder convictions for persons 18 years of age or older; convicted minors were jailed pending a presidential pardon. In July Caribbean Justice, a nongovernmental organization (NGO), issued a statement that the law did not allow for consideration of mitigating factors in murder cases that might warrant a lesser sentence.

In 2000 Parliament passed the Integrity in Public Life Act, which established an Integrity Commission with jurisdiction and control over the financial activities and ethical conduct of persons in public life and persons exercising public functions. The act was used as the basis for investigations of the activities of several public officials, including former Prime Minister Panday, in the months prior to the October 7 elections. At year's end, Panday had been arraigned in Magistrate's Court, and a trial date set for early 2003. The Panday case was the first filed under the new act.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices, and the Government generally respected these prohibitions in practice; however, citizens periodically complained of abuse of power by the state. In August Margaret Rowley of the town of Moruga claimed that local police forcibly entered her home to execute a search warrant and broke doors, a window, and furniture in the home.

On July 31, a court struck down as unconstitutional a section of the Proceeds of Crime Act of 2000, which gave police the power to inspect bank records of any individual upon the authority of a judge.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press and a functioning democratic political system combined to ensure freedom of speech and of the press.

The four major daily newspapers freely and often criticized the Government in editorials. Widely read weekly tabloids tended to be extremely critical of the Government. All newspapers were privately owned. The two local television newscasts, one of which appears on a state-owned station, were sometimes critical of the Government but generally did not editorialize.

Over the past several years, the Media Association of Trinidad and Tobago and the Publishers' Association expressed concern about the media's treatment by, and access to, the Government. For its part, the Government sometimes charged unfair treatment by the media, which the press viewed as unwarranted criticism.

A Board of Film Censors was authorized to ban films that it considered to be against public order and decency or contrary to the public interest. This included films that it believed may be controversial in matters of religion or race, or that contain seditious propaganda. In practice films rarely were banned.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. The police routinely granted the required advance permits for street marches, demonstrations, or other outdoor public meetings. Amendments to the Summary Offences Act require that permits for public meetings and rallies be applied for 48 hours in advance instead of 24 hours, and make it an offense to hold a public meet-

ing without a permit under the guise of conducting an exempted religious, educational, recreational, or sports function.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Registration or other governmental permission to form private associations was not required.

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

The Government limited the number of foreign missionaries allowed to enter the country to 30 per denomination. Missionaries had to meet standard requirements for an entry visa, must represent a registered religious group, and could not remain in the country for more than 3 years.

The Government was known to monitor closely only one religiously affiliated group, a radical Muslim organization called the Jamaat al Muslimeen, some members of which attempted a coup in 1990. The Government's surveillance focused on the group's repeated attempts to seize control of state-owned property adjoining its central mosque and on any actions intended to incite civil unrest.

Citizens occasionally complained about the efforts of some groups to proselytize in neighborhoods where another religion was dominant. The most frequent public complaints came from Hindu religious leaders against evangelical and Pentecostal Christians. Such complaints mirrored the racial tensions that at times arose between the Afro-Trinidadian and Indo-Trinidadian communities.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

In 2000 the Government acceded to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Because of legislative delays caused by the parliamentary deadlock during the year, the Government had not yet passed legislation to implement obligations accepted under the Convention, although the authorities generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR). Until Parliament approves the legislation, the Ministry of National Security's Immigration Division handled any requests for asylum on a case-by-case basis; reportedly fewer than 10 had been received in the past 40 years. In practice, the authorities placed asylum seekers in the care of a local NGO pending resolution of their cases, which were reviewed by the office of the UNHCR.

During the year, there were two cases of first asylum. The authorities detained Sierra Leonean Alie Marah in prison for 15 months as an illegal immigrant. When Marah requested asylum, the Government released him to the NGO. The Government denied asylum to the second claimant, a Cuban national.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections, held on the basis of universal suffrage. The Constitution extends the right to vote to citizens as well as to legal residents at least 18 years of age who are citizens of other Commonwealth countries. Parliamentary elections were held at intervals not to exceed 5 years, and elections for the Tobago House of Assembly occurred every 4 years. The most recent general election was held on October 7, and observers found it to be generally free and fair.

The two major political parties were the People's National Movement and the United National Congress. The PNM was primarily but not exclusively Afro-Trinidadian; the UNC was primarily but not exclusively Indo-Trinidadian. General elections held on December 10, 2001, resulted in an evenly divided Parliament, with both major parties winning 18 seats in the 36-member House of Representatives. Both parties agreed to allow President A.N.R. Robinson to break the deadlock by appointing the Prime Minister. When the President appointed PNM leader Patrick Manning, the UNC called the decision unconstitutional and refused to participate in an agreement on the appointment of a Parliamentary Speaker, among other things. With the Parliament unable to form a majority, Manning called new elections for October 7. In spite of inflammatory campaigning by both parties, those elections proceeded peacefully and resulted in an uncontested 20 to 16 majority for the PNM. Following the elections, the authorities charged the campaign manager for one newly elected PNM parliamentarian with interfering with a ballot box.

There were other, unsubstantiated, complaints of interference at some polling stations.

There were no specific laws that restrict the participation of women or minorities in government or the political parties. Women comprised slightly more than half of all registered voters in the country, and the voters elected 7 women to the 36-seat House of Representatives on October 7, up from 6 women in the previous Parliament. There were 9 women in the 31-member Senate and 8 women in the 25-member Cabinet.

Both major political parties reached out to ethnic minority voters, and ethnic minorities occupied significant positions in government. Senator Howard Chin Lee, PNM member and Minister of National Security, and Gerald Yetming, Member of Parliament from the UNC, were both ethnic Chinese. Chinese were the third largest distinct ethnic group, representing approximately 1 percent of the population.

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

A number of human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. While government officials generally were cooperative, the Government responded strongly to Amnesty International's criticism of prison conditions and due process. An independent Ombudsman received complaints relating to governmental administrative issues and investigated complaints of human rights abuse. The Ombudsman could make recommendations but did not have authority to force government offices to take action.

In 1998 the Government sought to curtail appeals by death row inmates to the Inter-American Commission on Human Rights (IACHR) and the U.N. Human Rights Committee. The Government's moves were prompted by a Privy Council ruling that failure to execute a condemned prisoner within 5 years of sentence constituted cruel and unusual punishment in violation of the Constitution. To meet this 5-year deadline, the Government sought to impose time limits on the IACHR and the U.N. Committee to ensure that applications before these bodies were completed within 8 months. In 1999 the Government withdrew from the American Convention on Human Rights following a required 1-year notice.

However, the Privy Council subsequently ruled that by ratifying a treaty that provides for individual access to an international body, the Government made that process part of the domestic criminal justice system, thereby extending the scope of the due process clause of the Constitution, and that executing a prisoner with such an appeal pending would constitute a violation of due process.

In June the Inter-American Court of Human Rights cited the Government for violating the American Convention on Human Rights by executing inmates who had unresolved appeals pending before the IACHR and ordered the Government to pay more than $2.9 million to the families and attorneys of several death row inmates. The Government contested the Court's findings, saying that the executions in question had been carried out in accordance with applicable law.

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

The Government generally respected in practice the constitutional provisions for fundamental human rights and freedoms for all without discrimination based on race, origin, color, religion, or sex.

Women.—Physical abuse of women continued to be a significant problem. There was increased media coverage of domestic abuse cases and signs of a shift in public opinion, which previously had held that such cases were a private matter, and the Government improved aid for victims. Murder, rape, and other crimes against women were reported frequently, but it was believed that many sexual crimes were unreported. The establishment of a community police division improved police responsiveness to reports of domestic abuse, but some police officers were reportedly unsympathetic or reluctant to pursue such cases, resulting in underreporting of crimes of violence against women. The Police Service reported 565 complaints of spousal abuse through October, but the actual incidence of such abuse was considered to be much higher. Two government ministries, operating independently, directed the NGOs that ran most of the country's social programs addressing domestic violence, including five shelters for battered women.

Rape, spousal abuse, and spousal rape were criminal offenses. A rape crisis center offered counseling for rape victims and perpetrators on a voluntary basis. Since 1996 the Government operated a 24-hour domestic violence hot line, which received calls and referred victims to shelters, counseling, or other assistance. The hot line was for victims of rape, domestic violence, or other violence against women and received approximately 1,650 calls during the year.

Prostitution is illegal, and the authorities brought charges of soliciting for the purpose of prostitution against 19 persons during the year. Of those, 18 were female and 1 male.

The law does not prohibit sexual harassment, and it was a problem.

Many women held positions in business, the professions, and government. Nevertheless, men still tended to hold most senior positions. There was no law or regulation requiring equal pay for equal work.

Women's participation in education has been virtually equal to that of men, according to a UNESCO report, which showed that women's literacy rates and primary school enrollment in the country during 1990–98 were almost the same as the corresponding rates for males, with women exceeding men in years spent in school and in secondary school enrollment ratios.

The Division of Gender Affairs in the Ministry of Community Development and Gender Affairs was charged with protecting women's rights in all aspects of government and legislation. Several active women's rights groups also existed.

Children.—The Government's ability to protect children's welfare was challenged by a lack of funds and expanding social needs. Education was free and compulsory through primary school, usually ending at 11 or 12 years of age. Some parts of the public school system seriously failed to meet the needs of the school age population due to overcrowding, substandard physical facilities, and occasional classroom violence by gangs. The Government committed resources to building new facilities and expanded access to free secondary education.

There was no societal pattern of abuse directed at children. The Domestic Violence Act provides protection for children abused at home. If they were removed from the home, abused children usually were placed with relatives. If there was no relative who could take them, there were several government institutions and NGOs that accepted children for placement.

The Miscellaneous Provisions (Children) Act of 2000 increased the upper age in the definition of a child from 14 to 18 years of age, abolished corporal punishment as a penal sanction for children under 18, and prohibited sentencing a person between 14 and 18 years of age to prison. A companion law established a new Children's Authority to license and monitor community residences, foster homes, and nurseries, and to investigate complaints about the care of children in such locations. At year's end, the act had not yet been proclaimed, as the Government was taking steps to appoint a board to manage the new authority.

The law prohibits child prostitution, and the police reported no cases of it during the year. However, there were anecdotal but unconfirmed reports of child prostitution in the recent past (*see* Section 6.f.).

Persons with Disabilities.—There is no legislation that specifically enumerates or protects the rights of persons with disabilities or mandates the provision of access to buildings or services. The lack of access to transportation, buildings, and sidewalks was a major obstacle for persons with disabilities. The Government provided some public assistance and partial funding to a variety of NGOs, which in turn provide direct services to members or clients with disabilities.

Indigenous Persons.—Members of a very small group in the population identify themselves as descendants of the original Amerindian population of the country. They maintain social ties with each other and other aboriginal groups and were not subject to discrimination.

National/Racial/Ethnic Minorities.—Various ethnic and religious groups live together peacefully, generally respecting one another's beliefs and practices. However, at times racial tensions appeared between Afro-Trinidadians and Indo-Trinidadians, which each make up about 40 percent of the population. The private sector was dominated by Indo-Trinidadians and persons of European, Middle Eastern, or Asian descent. Indo-Trinidadians predominated in agriculture. Afro-Trinidadians were employed in disproportionate numbers in the civil service, police, and military. Some Indo-Trinidadians asserted that they were excluded from equal representation in the civil service due to racial discrimination.

Section 6. Worker Rights

a. The Right of Association.—The 1972 Industrial Relations Act (IRA) provides that all workers, including those in state-owned enterprises, may form or join unions of their own choosing without prior authorization. The IRA provides for the mandatory recognition of trade unions when a union satisfies the Registration Recognition and Certification Board that it represents 51 percent or more of the workers in a specified bargaining unit. Union membership has declined, with an estimated 15 to 25 percent of the work force organized in approximately 19 active

unions. Most unions were independent of government or political party control, although the Sugar Workers' Union historically was allied with the UNC.

The law prohibits antiunion activities before a union is registered legally, and the Ministry of Labor enforced this provision when it received a complaint. A union also may bring a request for enforcement to the Industrial Court, which may order employers who are found guilty of antiunion activities to reinstate workers and pay compensation or impose other penalties including imprisonment. When necessary the Ministry of Labor's conciliation service determines which unions should have senior status.

Unions freely joined federations and affiliated with international bodies. There were no restrictions on international travel or contacts.

b. The Right to Organize and Bargain Collectively.—The IRA establishes the right of workers to collective bargaining. The conciliation service maintained statistical information regarding the number of workers covered by collective bargaining agreements and the number of antiunion complaints filed.

All employees except those in "essential services," which include the police and many other government employees, had the right to strike. The International Labor Organization (ILO) has criticized the Government's definition of essential services as being overly broad and has requested that the legislation be amended. There were significant strikes during the year, including a 9-day work stoppage by physicians employed by the Ministry of Health. The Industrial Court found that the action violated the prohibition against denying essential services. The doctors denied that their work stoppage constituted a strike but returned to work after a court injunction. In October and November, approximately 2,000 construction workers went on strike at a methanol plant at Point Lisas.

The Labor Relations Act prohibits retribution against strikers and provides for grievance procedures if needed. A special section of the Industrial Court handles mandatory arbitration cases. Arbitration agreements are enforceable and can be appealed only to the Industrial Court. Most observers considered this court to be impartial; it consisted of government, business, and labor representatives.

There were several export processing zones (EPZs). The same labor laws applied in the EPZs as in the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The law does not prohibit specifically forced or bonded labor, but there were no reports that it was practiced. There were also no reports of forced or bonded labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal age for workers is 12 years. Children from 12 to 14 years of age may work only in family businesses. Children under the age of 18 legally may work only during daylight hours, with the exception of 16- to 18-year-olds, who may work at night in sugar factories. The Ministry of Labor and Small and Micro-Enterprises was responsible for enforcing child labor provisions, but enforcement was lax because there were no established mechanisms for receiving, investigating, and addressing child labor complaints.

There was no organized exploitation of child labor, but a UNICEF study estimated that 1.2 percent of children from 5 to 14 years of age were engaged in paid work, and that 0.3 percent were engaged in unpaid work for someone other than a family member. An ILO study reported that children engaged in several types of work, including scavenging, agriculture, domestic work, street vending, and commercial sexual activity.

The Government has not ratified ILO Convention 182 on elimination of the worst forms of child labor.

e. Acceptable Conditions of Work.—The 1998 Minimum Wages Act established a minimum wage of about $1.10 (TT$7.00) per hour. Actual wages varied considerably among industries, and while the minimum wage did not provide a decent standard of living for a worker and family, most workers earned more than the minimum. The Ministry of Labor enforced the minimum wage regulations.

The Minimum Wages Act also established a 40-hour workweek, time-and-one-half pay for the first 4 hours of overtime on a workday, double pay for the next 4 hours, and triple pay thereafter. For Sundays, holidays, and off days, the act also provides for double pay for the first 8 hours and triple pay thereafter. Daily rest periods and paid annual leave formed part of most employment agreements.

The Factories and Ordinance Bill of 1948 sets requirements for health and safety standards in certain industries and provides for inspections to monitor and enforce compliance. The IRA protects workers who file complaints with the Ministry of Labor regarding illegal or hazardous working conditions. If it is determined upon inspection that hazardous conditions exist in the workplace, the worker is absolved for refusing to comply with an order that would have placed him or her in danger.

f. Trafficking in Persons.—While there were no laws that specifically address trafficking in persons, the illegality of such acts was covered broadly in a variety of laws that addressed kidnaping, labor conditions, pimping and prostitution, slavery, and indentured servitude.

Although child prostitution was illegal and the police reported no cases of it during the year, the ILO and some local officials provided anecdotal but unconfirmed reports of child prostitution in the recent past.

URUGUAY

The Oriental Republic of Uruguay is a constitutional republic with an elected president and a bicameral legislature. In 1999 in free and fair elections voters elected Senator Jorge Batlle of the Colorado party as President; he assumed office on March 1, 2000, for a 5-year term. In legislative elections in 1999 the left-of-center Broad Front coalition won approximately 40 percent of the vote in a four-party race, thus constituting the largest congressional bloc. The two traditional parties, the Colorados and the Blancos, which collaborate in a coalition-style arrangement, together control over half of the seats in the legislature. The judiciary is independent.

The Interior Ministry administers the country's police departments and the prison system and is responsible for domestic security and public safety. The military is responsible for external security within the prison system. Civilian authorities exercise effective control over the security forces. There were reports of police violence, including abuse of prisoners in the jails and in police stations, which were investigated by the Ministry of the Interior.

The economy is a mixture of private and state enterprises and is heavily dependent on agricultural exports and agroindustry. The leading exports are meat, leather, and rice. The country's population is estimated at 3.2 million. The unemployment rate was 20 percent at year's end. The economy contracted by 7.8 percent in the first half of the year, following a decline of 1.3 percent in 2001.

The Government generally respected the human rights of its citizens, and the law and judiciary generally provided effective means of dealing with individual instances of abuse; however, there were problems in some areas, principally poor prison conditions and delays in the judicial process. Court cases sometimes last for many years, resulting in lengthy pretrial detention. Violence against women and some discrimination against women and the black minority were problems. There were several reports of trafficking in persons. Uruguay was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents. At least 14 prisoners died at the hands of other prisoners or in suspicious circumstances (*see* Section 1.c.).

The 1986 Amnesty Law prohibits criminal prosecution of members of the security forces who perpetrated extrajudicial killings, torture, and other abuses during the 12 years of military rule from 1973–85. However, some victims and relatives of victims had success using the civilian courts to seek redress. Court actions that sought to work around the Amnesty Law included a lawsuit filed in August by Argentine poet Juan Gelman and the potential prosecution of officials in the Ministry of Foreign Affairs during the dictatorship.

In a new attempt to bring accountability for human rights violations committed by the military government, on October 18, a criminal court issued an indictment for deprivation of liberty against former Minister of Foreign Affairs, Juan Carlos Blanco in connection with the disappearance of Elena Quinteros, who was allegedly abducted from the Venezuelan Embassy in 1976. Documents reportedly implicated Blanco and two other former Foreign Ministry officials, who are not covered by the Amnesty Law, in the decision not to return Quinteros to the Venezuelans with whom she had sought asylum.

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

The 1986 Amnesty Law required the Government to investigate the fate of those citizens who were detained and who then disappeared during the dictatorship; the first three administrations following the return to democracy consistently refused to

do so. In 2000 the Government for the first time undertook such an effort, and these efforts continued during the year.

In 2000 President Batlle created a National Peace Commission to clarify the fate of 179 Uruguayans believed to have disappeared for political reasons during the dictatorship (137 in Argentina, 30 in Uruguay, 7 in Chile, 3 in Paraguay, 1 in Bolivia, and 1 in Brazil). The Commission was charged with receiving and analyzing information relevant to the disappeared persons. It was to prepare individual summaries of its conclusions as to the fate of each person and to recommend legal measures that the Government should adopt to compensate the families of the victims and resolve the victims' legal status, such as by declaring them legally dead. By year's end, the Peace Commission had resolved or reported to families on 24 of 30 cases. The Commission's final report—published in November—concluded that the fates of 20 percent of the missing Uruguayans was probably cremation and burial at sea.

Some persons have sought justice in non-Uruguayan courts for human rights violations that occurred during military rule. During the year, Sara Mendez—who had filed papers in an Argentine court accusing five retired members of the Uruguayan military with the 1976 kidnaping of her infant from her Buenos Aires home—was reunited with her son in Buenos Aires, largely through the efforts of an Uruguayan senator.

An Italian prosecutor continued to investigate charges brought in an Italian court in 1999 against four present and former members of the military and one police officer accused of responsibility in the disappearance of eight Italian-Uruguayan dual nationals.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports of abuse of prisoners, many of which have been investigated by the Government.

The judicial and parliamentary branches of government are responsible for investigating specific allegations of abuse. An internal police investigative unit receives complaints from any person concerning possible noncriminal police abuse of power, but it is understaffed and only can issue recommendations for disciplinary action. Ministry of Interior authorities act promptly if accusations of alleged police brutality are reported. Police officers charged with less serious crimes may continue on active duty; those charged with more serious crimes are separated from active service until a court resolves their cases. The 1995 Public Security Law requires a proportional use of force by the police and the use of weapons only as a last resort, and this law was respected in practice.

At least eight police officers were jailed for abusing detainees in Maldonado and Salto. Over 400 police officers reportedly have been indicted in the last 3 years for violations ranging from corruption to abuse. There were also numerous reports of abuse of prisoners inside the prison system. Human rights groups and an organization of the families of prisoners filed several complaints about abuse, including routine beatings in processing; routine hazing and beatings of prisoners during searches; poor quality and insufficient quantities of food, bedding, and clothing; and poor access to medical care.

Conditions in prisons were poor and deteriorated in the last year. Due to worsening budget problems and the destruction of Libertad prison during a riot in March, overcrowding increased. There were 5,400 prisoners in prison facilities designed to hold only 2,940 prisoners, causing sanitation, social, and health problems in the major facilities. In March a prison riot lasting several days in Libertad prison in San Jose Province left the prison mostly uninhabitable. Despite its current official capacity of zero, several hundred prisoners continued to be housed within the ruined prison. As a temporary solution, the Government resorted to lodging some of the overflow prisoners within modified shipping containers. To alleviate overcrowding, the Government purchased modular cells providing secure, sanitary holding facilities for up to 600 prisoners. A new director of prisons, reported to be "tough but fair," has undertaken to correct some of the causes of the riot problem by ending corruption and unfair practices. The director announced that in the event of another riot, the guards will be instructed to use arms as necessary to suppress the riot.

In addition to overcrowding, the penal system suffered from understaffing, instances of corruption, and physical violence. In April National Prison director Carlos de Avila and other officials were convicted of taking bribes in exchange for transferring prisoners to better facilities. Narcotics, weapons, and cell phones were smuggled into several facilities, allegedly with the collusion of an official. Family visitation, in which family members carry in food to supplement a prisoner's diet, was allowed but is made very difficult as the family members are strip-searched in unhygienic conditions and subjected to invasive searches.

Prison deaths rose sharply. In the first half of the year, 14 prisoners died in hangings, stabbings, or burnings either self-inflicted or perpetrated by other prisoners.

In the 2 months following the riot in Libertad and the subsequent replacement of the prison's director, five inmates died, resulting in an official investigation urged by the nongovernmental organization (NGO) Servicio Paz y Justicia (SERPAJ) and the families of the victims. While there was no evidence of staff involvement in these deaths, prisoners and their families complained of institutionalized physical abuse in some facilities. Prisoners were not always separated according to the severity of their crimes. Human rights organizations were not given free access to the prisons; the Government cited safety concerns as the reason.

According to press reports and the regional AIDS rights organization ASEPO (Asociacion de Ser Positivo), the majority of prisoners infected with HIV and AIDS did not receive adequate treatment or medication. The extent of the infection and transmission rates of the disease within the inmate population was unknown.

Female prisoners were held in separate facilities from male prisoners with the exception of the Artigas prison, in which women were housed in a separate facility within the prison. In general conditions for female prisoners were significantly better than for male prisoners due to their smaller population and the availability of training and education opportunities.

Minors were held in institutions operated by the National Institute for Minors (INAME). While it is legal to house juvenile prisoners convicted of violent crimes within the same prisons as adults, this was not done in practice. Juveniles who committed serious crimes were incarcerated in juvenile detention centers, which resemble traditional jails and have cells. However, conditions in some of these facilities were as bad as in the adult versions, with some youths permitted to leave their cells only 1 hour per day.

Juvenile offenders who were not considered to pose a threat to society were placed in halfway house facilities, oriented towards rehabilitation. These facilities provided educational, vocational, and other opportunities, and the juvenile offenders were able to enter and leave without restriction. Some human rights groups expressed concern with reports that the Ministry of the Interior was considering mixing youth and adult populations, such as at La Tablada, a facility run by the National Institute for Minors (INAME).

The Government—citing safety reasons—did not permit general prison visits by independent human rights observers during the year. However, inmate visitation continued and foreign diplomats could visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution requires the police to have a written warrant issued by a judge before making an arrest, and the authorities generally respected this provision in practice. The only exception is when the police apprehend the accused during commission of a crime. The Constitution also provides the accused with the right to a judicial determination of the legality of detention and requires that the detaining authority explain the legal grounds for the detention. In 2000 the President signed a new law that obligates police officers to inform individuals of the reason for their arrest. Police may hold a detainee incommunicado for 24 hours before presenting the case to a judge, at which time the detainee has the right to counsel. It was during this period of time that police sometimes abused detainees.

The law stipulates that confessions obtained by the police before a detainee appears before a judge and attorney (without the police present) have no validity. Further, should a detainee claim that he has been mistreated, by law the judge must investigate the charge.

If the detainee cannot afford a lawyer, the courts appoint a public defender. If the crime carries a penalty of at least 2 years in prison, the accused person is confined during the judge's investigation of the charges unless the authorities agree to release the person on bail (which seldom happens). As a result, in 2000 approximately 73 percent of all persons incarcerated were awaiting a final decision in their case. However, these figures may be misleading because only those committing more serious crimes were actually jailed while waiting for the judge to investigate charges. The majority of people facing charges were not jailed. The length of time the accused spends in jail pending trial also varies depending on the complexity of the case and the size of the judge's docket. The uncertainty respecting length of imprisonment contributed to tension in the prisons.

The Government does not use forced exile. The Constitution provides that in extreme cases of national emergency an individual may be given the option to leave the country as an alternative to trial or imprisonment; however, this option has not been exercised for at least 2 decades.

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

The Supreme Court heads the judiciary system and supervises the work of the lower courts. A parallel military court system operates under a Military Justice Code. Two military justices sit on the Supreme Court but participate only in cases involving the military. Military justice applies to civilians only during a state of war or insurrection.

Trial proceedings usually are based on written arguments to the judge, which are not made public routinely. Only the judge, prosecutor, and defense attorney have access to all documents that form part of the written record. Individual judges may hear oral arguments at their option. Most judges choose the written method, a major factor slowing the judicial process. There is no legal provision against self-incrimination, and judges may compel defendants to answer any question they pose. Either the defense attorney or the prosecutor may appeal convictions to a higher court, which may acquit the person of the crime, confirm the conviction, or reduce or increase the sentence.

A 1997 law to reform and modernize the Criminal Code provides for more oral argument by prosecution and defense attorneys, less investigative responsibility for judges, and is expected to accelerate the pace of criminal trials. Budget constraints resulted in postponement of the law's implementation to 2004.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the authorities sometimes limited freedom of the press and the authorities may abridge these rights if persons are deemed to be inciting violence or "insulting the nation." All elements of the political spectrum freely expressed their viewpoints in both print and broadcast media.

Montevideo has 5 daily newspapers and 10 widely read weeklies; there are also approximately 80 other weekly and a few daily newspapers throughout the country. Montevideo has one government-affiliated and three commercial television stations. There are about 150 radio stations, 34 television stations, and 200 cable television stations in the country.

The law stipulates that expression and communication of thoughts and opinions are free, within the limits contained in the Constitution, and it outlines methods of responding to "inexact or aggravating information." The law provides for between 3 months' and 2 years' imprisonment for "knowingly divulging false news that causes a grave disturbance to the public peace or a grave prejudice to economic interests of the State" or for "insulting the nation, the State, or their powers." The authorities rarely used this law and did not do so during the year.

Human rights activists and journalists alleged that state enterprises such as the telephone and electric companies on occasion withheld advertising from independent media that were critical of the Government and favored media friendly to the Government with extensive paid advertising. There were a few reports that stories critical of the Government were edited to be less critical or dropped altogether. There were reports of at least two journalists who were fired for criticizing the Government too harshly.

Access to the Internet was available and unrestricted.

The national university is autonomous, and the Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

In May, as in prior years, thousands of persons marched in memory of the persons who disappeared during the rule of the dictatorship (*see* Section 1.b.). Several demonstrations, including relatively large rallies and marches, protested the Government's decision to condemn Cuba for human rights violations. The demonstrators were allowed to march and express themselves freely. Protests and demonstrations about economic conditions, labor issues, bio-technical issues, and student issues took place without interference.

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

There is a strict separation of church and state, and religious instruction in public schools is prohibited.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

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

The Government grants refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government grants asylum only for political crimes as set forth in the 1928 Treaty of Havana, the 1889 Treaty of Montevideo, and the 1954 Caracas Convention. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government grants first asylum in cases in which a refugee's claims are verified by the UNHCR. The Government continued to cooperate with international organizations to provide temporary residence to human rights advocates who claim that they are subject to persecution in their home country; if still at risk after 1 year, the person may apply for refugee status.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country is a multiparty democracy with mandatory voting for those 18 years of age or older. The Colorado party, the National (Blanco) party, and the Broad Front coalition are the major political groupings.

In November 1999, in free and fair elections, voters elected Senator Jorge Batlle of the Colorado party President, and he assumed office on March 1, 2000, for a 5-year term. In legislative elections in October 1999, the left-of-center Broad Front coalition won approximately 40 percent of the vote in a four-party race, thus constituting the largest congressional bloc. The two traditional parties, the Colorados and the Blancos, which collaborate in a coalition-style arrangement, together controlled over half of the seats in the legislature.

Women participated actively in the political process and government. Three of 30 senators and 13 of 99 deputies were women. None of the 13 cabinet ministers were women. There were no female justices on the Supreme Court.

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

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

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

The Constitution and the law prohibit discrimination based on race, sex, religion, or disability. Despite these provisions, societal discrimination against some groups existed.

Women.—Violence against women continued to be a serious problem. A 1999 Ministry of Public Health study projected that within 5 years, domestic violence would constitute the second most prevalent threat to public health, after traffic accidents. The law provides for sentences of 6 months to 2 years in prison for a person found guilty of committing an act of violence or of making continuing threats to cause bodily injury to persons related emotionally or legally to the perpetrator. The state-owned telephone company provided a free nationwide hot line answered by trained NGO employees for victims of domestic violence. Between January and September, the service received 2,596 calls, a rate lower than in previous years. Persons calling the hot line were provided counseling, free legal advice, and may be referred to NGOs that can provide further social services. A 2000 law increased sentences for rape and certain other sexually related crimes. The Criminal Code covers spousal abuse and spousal rape, although criminal charges rarely were initiated for those crimes.

A government office of assistance for victims of domestic violence trains police how to resolve complaints of violence against women. A directorate within the Ministry of Interior continued a public awareness campaign about domestic violence and operated community assistance centers where abuse victims receive information and referrals to government and private organizations in their area that aid abused women. Both the Ministry of Interior and NGOs operated shelters in which abused

women and their families could seek temporary refuge. However, the country's economic crisis threatened assistance to an increasing number of victims of domestic violence, as lack of funding led to closure of a number of centers.

The law prohibits sexual harassment in the workplace; however, few such complaints were filed, leading some to conclude that it was not a problem.

Women enjoyed equality under the law in the workplace but faced discrimination stemming from traditional attitudes and practices. However, there never have been any cases brought under the law. The work force exhibited segregation by gender. Women, who made up almost one-half the work force, tended to be concentrated in lower paying jobs. Women's salaries averaged two-thirds those of men, continuing a gradual improvement with respect to pay equity. Approximately 60 percent of the students at the public university were women. Women often pursued professional careers but were underrepresented in traditionally male-dominated professions.

In 2000 the first four female military officers were commissioned by the air force, and in 2001 the first four female cadets graduated from the army's military academy.

A small institute in the Ministry of Education coordinates government programs for women. There are a number of active women's rights groups, and many of their activities remained centered on followup to the platform of action of the 1995 U.N. Conference on Women.

Children.—The Government generally is committed to protecting children's rights and welfare, and it regarded the education and health of children as a top priority. The National Institute for Minors (INAME) oversees implementation of the Government's programs for children but receives only limited funding for programs. The Government provided free compulsory kindergarten, primary, and secondary education, and 95 percent of children completed their primary education. Girls and boys were treated similarly. Free education was available through the undergraduate level at the national university.

There is no societal pattern of abuse of children. Minors under the age of 18 are not subject to criminal trial but receive special treatment with special judges and, when sentenced, stay in institutions run by INAME for the period determined by the judge; these institutions emphasize the rehabilitation of minors. INAME maintained an extensive network of programs, including shelters for at-risk children. INAME also operated a confidential hot line for children who were victims of domestic abuse.

UNICEF estimated that 40 percent of children under the age of 5 live in the poorest 20 percent of homes. While health care is free to all citizens, the Government with the help of UNICEF has undertaken a program to educate parents regarding the need for regular checkups and immunization.

Although there were few substantiating statistics, polls and arrests of children participating in sexual work indicated that child prostitution existed. INAME has never conducted research on the subject of child prostitution, and no NGO specifically addressed the problem (*see* Section 6.f.)

The State of Maldonado announced that child prostitution and sexual tourism had increased and identified 70 locations where this had occurred. For the first time, there were isolated reports of male prostitution. The economic crisis impacted child prostitution. Anecdotal evidence indicated that in recent years child prostitution has increased, especially in the interior of the country. Children's rights NGOs and the media received reports that minors resorted to prostitution as a means of survival in rural areas where unemployment was more than 20 percent.

In Montevideo police discovered a child prostitution ring involving 40 minors with children as young as the age of 13. Additionally, according to NGO experts, 30 of 83 of the "massage spas" in Montevideo worked with children and adolescents, many of whom were contracted out to clients as prostitutes. The minimum working age in these "spas" is 16, but children as young as 13 were found.

Prostitution is legal in Uruguay, and there is no law specifically prohibiting participation by minors. The Government created the Interdepartmental Commission for the Prevention and Protection of Children Against Sexual Exploitation, which—with INAME—is responsible for creating the national plan of action. In March the commission announced the plan, which includes education programs.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services.

A national disabilities commission oversees implementation of a law on the rights of persons with disabilities. Although the law mandates accessibility for persons with disabilities only to new buildings or public services, the Government provided access to a number of existing buildings. The law reserves 4 percent of public sector

jobs for persons with disabilities. The country has a generally excellent mental health system and an interest in the rights of persons with mental disabilities.

National/Racial/Ethnic Minorities.—The country's Afro-Uruguayan minority, estimated at 5.9 percent of the population, continued to face societal discrimination. A 1999 study by the NGO Mundo Afro found that the illiteracy rate among black women was twice the national average, that the percentage of black women who had pursued higher education was one-third that of the general population, and that one-half of Afro-Uruguayan women worked as household domestics. With the exception of an alternate deputy, there were no Afro-Uruguayans in Congress, and blacks were practically unrepresented in the bureaucratic and academic sectors.

Section 6. Worker Rights

a. The Right of Association.—The Constitution states that laws should promote the organization of trade unions and the creation of arbitration bodies; however, there is almost no legislation specifically entitling workers to form and join unions of their choice. Unions traditionally organize and operate free of government regulation. Civil servants, employees of state-run enterprises, and private enterprise workers may join unions. Unionization was high in the public sector (over 80 percent) and low in the private sector (under 5 percent). Labor unions were independent of political party control but traditionally associated more closely with the left-of-center Broad Front political coalition.

A Ministry of Labor commission investigates antiunion discrimination claims filed by union members. There have been no such claims since 2000. Labor unions have complained that some businesses have encouraged formation of worker cooperatives, which served to reduce their labor costs. Although such cooperatives did not necessarily affect workers' social insurance and other public benefits, this outsourcing could reduce workers' job security, result in a loss of seniority, and weaken the power of trade unions and of collective bargaining.

There are mechanisms for resolving workers' complaints against employers, but unions complained that these mechanisms sometimes were applied arbitrarily. The law generally prohibits discriminatory acts by employers, including arbitrary dismissals for union activity. Unions maintained that organizers were dismissed for fabricated reasons, thus allowing employers to avoid penalties under the law.

At the International Labor Organization's (ILO) Governing Body meeting in March, the Association of Workers and Employees brought allegations against the Government concerning antiunion measures, involving collective bargaining and disciplinary measures against trade union officials and workers. At the ILO's governing meeting in June, the Association of Bank Employees of Uruguay brought allegations against the Government concerning antiunion dismissals, threats of dismissal, and irregular denouncement of a collective agreement. Both complaints remained pending at year's end.

There are no restrictions on the right of unions to form confederations or to affiliate with international trade union groups; however, the one national confederation has chosen not to affiliate officially with any of the world federations. Some individual unions are affiliated with international trade secretariats.

b. The Right to Organize and Bargain Collectively.—Collective bargaining between companies and their unions determines a number of private sector salaries. The executive branch, acting independently, determines public sector salaries. There are no laws prohibiting antiunion discrimination, but a 1993 executive decree established fines for employers engaging in antiunion activities. The law does not require employers to reinstate workers fired for union activities and does not require employers to pay an indemnity to such workers. In cases of legal challenges by union members for unlawful firings, courts tend to impose indemnization levels that are higher than those normally paid to dismissed workers. The ILO's Committee of Experts found that imposition of a fine "provided for by law in all cases of unjustified dismissal when the real motive is trade union membership or activity" is an inadequate protection against anti-union discrimination.

The Constitution provides workers with the right to strike. The Government may legally compel workers to work during a strike if they perform an essential service which, if interrupted, "could cause a grave prejudice or risk, provoking suffering to part or all of the society." A few strikes took place in the transportation and education sectors. The University of the Republic was shut down by a student union strike lasting more than a month.

All labor legislation fully covers workers employed in the eight special export zones. There are no unions in these zones because the few workers employed there were not in traditionally organizable occupations, that is, one in which a number of workers are employed in a non-professional capacity.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and the Government generally enforced this prohibition effectively; however, there was one report that one child was trafficked into forced labor (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Child Labor Code protects children; the Ministry of Labor and Social Security is responsible for enforcing the law. Some children worked as street vendors in the expanding informal sector (which accounts for 48 percent of total employment in the country) or in the agrarian sector, which generally were regulated less strictly and where pay was lower. The law does not permit minors under the age of 14 to work, and this was generally enforced in practice. Minors between the ages of 14 and 15 were granted permission to work only in extremely rare circumstances and even then usually only to work with other members of their families. Minors between the ages of 15 and 18 require government permission to work, and such permission is not granted for dangerous, fatiguing, or night work.

Permission to work is only granted to minors who have completed 9 years of compulsory education or who remain enrolled in school and are working toward completing the period of compulsory education. Controls over salaries and hours for children are more strict than those for adults. Children over the age of 16 may sue in court for payment of wages, and children have the legal right to dispose of their own income. A program by INAME and an NGO to pay $83 (1,000 pesos) per month to parents who take their children off the streets and send them to school continued during the year. This amount approximated what a child might earn working on the street. In 1999 the Government created a National Committee for the Eradication of Child Labor, which continued to work on creating a national action plan to combat child labor.

e. Acceptable Conditions of Work.—The Ministry of Labor effectively enforces a legislated minimum monthly wage which is in effect in both the public and private sectors. The Ministry adjusts the minimum wage whenever it adjusts public sector wages. The minimum wage, set in 2001 at approximately $80 (1,092 pesos) per month, functions more as an index for calculating wage rates than as a true measure of minimum subsistence levels, and it would not provide a decent standard of living for a worker and family. The vast majority of workers earn more than the minimum wage.

The standard workweek is 48 hours in industry and 44 hours in commerce, with a 36-hour break each week. The law stipulates that industrial workers receive overtime compensation for work in excess of 48 hours and that workers are entitled to 20 days of paid vacation after a year of employment.

The law protects foreign workers and does not discriminate against them. However, in order to receive official protection, the companies that employ foreign workers must report them as employees. Many workers—both native and foreign—worked off the books and thus forfeited certain legal protections.

The Ministry of Labor and Social Security enforces legislation regulating health and safety conditions in a generally effective manner. However, some of the regulations cover urban industrial workers more adequately than rural and agricultural workers. Workers have the right to remove themselves from what they consider hazardous or dangerous conditions.

f. Trafficking in Persons.—There are no laws specifically addressing trafficking in persons; and there were some infrequent cases involving trafficking of women and, particularly, child prostitution (*see* Section 5).

Trafficking workers from other South American countries continued. Police arrested persons involved with the trafficking and false documentation of Peruvian women in Uruguay. Some women were employed as domestics, fulfilling a demand for cheap, full-time household labor. The women were recruited in Peru, provided transportation and documentation, obliged to repay the traffickers over time, often exceeding 5 years. Others, destined for the United States, were provided with falsified birth certificates to obtain national identification cards and Uruguayan passports. While 6 women in the ring were arrested, authorities estimated that more than 20 Peruvians might have been trafficked through the country in this manner. One Peruvian minor captured during the arrest was repatriated.

More than eight Cuban nationals were detained for using false documents provided by traffickers, allegedly in the United States.

Isolated cases of trafficking in persons for labor were reported. Five Indonesian workers from a South Korean fishing vessel alleged that their employers beat them, subjected them to 94-hour work weeks, and set them ashore when in port to avoid feeding and caring for them. Foreign consular officials confirmed that these allega-

tions were not uncommon in the region but stated that lack of involvement by the host countries made such practices difficult to detect and prevent.

There were no reliable estimates on the number of Uruguayan women who worked as prostitutes abroad—generally in Europe and Australia—or on the proportion who were induced into such work by fraud or were subjected to conditions approaching servitude. Families of three women who disappeared from Maldonado in the last decade (the last in 2000) renewed demands for an investigation of the disappearances. Recent reports of disappearances among young females in Maldonado gave rise to speculation that the three women may have been trafficked to Europe.

The Ministry of the Interior has primary responsibility for investigating trafficking cases.

VENEZUELA

Venezuela is a constitutional democracy with a president and unicameral legislature in which citizens periodically choose their representatives in free and fair multiparty elections. In addition to the executive, legislative, and judicial branches of government, the Constitution provides for a "Citizen Power" branch of government—which includes the Ombudsman, the Public Prosecutor, and the Controller General—and an "Electoral Power" branch, the National Electoral Council (CNE). In July 2000, following a long and controversial process, voters elected President Hugo Chavez of the Fifth Republic Movement (MVR) in generally free and fair elections. The MVR and the pro-Chavez Movimiento a Socialismo (MAS) party won 92 seats in the 165-member legislature. Subsequent party splits reduced the pro-Chavez members to 84 seats. In December 2000, the National Assembly appointed members of the Citizen Power and Supreme Court in a manner that many observers criticized as unconstitutional. The civilian judiciary is legally independent; however, it was highly inefficient and sometimes corrupt, and judges at all levels were subject to influence from a number of sources, including the executive branch.

In April the country experienced a temporary alteration of constitutional order. When an estimated 400,000 to 600,000 persons participated in a march in downtown Caracas to demand President Chavez's resignation, gunfire broke out, resulting in as many as 18 deaths and more than 100 injuries, with dead and injured on both sides. Military officers took President Chavez into custody, and opposition business leader Pedro Carmona proclaimed himself as interim president. On April 14, troops loyal to Chavez returned him to power.

On December 2, the political opposition called a national work stoppage to protest the Government and for the resignation of President Chavez. On December 4, the petroleum sector joined the stoppage, which continued at year's end.

The security apparatus includes civilian and military elements, both accountable to elected authorities. Active and retired military officers held high-ranking government positions. Two of the 14 members of the President's Cabinet were retired career military officers. The presidents of two major state-owned corporations—Corporacion Venezolana de Guayana and CITGO—were active duty military officers. The military was involved heavily with public service projects. The Defense Ministry controls the General Directorate for Military Intelligence (DIM), which is responsible for collecting intelligence related to national security and sovereignty. The National Guard, an active branch of the military, has arrest powers and is largely responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Interior and Justice Ministry controls the Investigative and Criminal Police Corps (CICPC), which conducts most criminal investigations, and the Directorate for Intelligence and Prevention Services (DISIP), which is primarily responsible for investigating cases of corruption, subversion, and arms trafficking. Municipal mayors and state governors are responsible for local and state police forces, and maintain independence from the central government. Often, mayors and governors look to the National Guard for the top leadership for state and municipal police forces. The Caracas Metropolitan Police is the main civilian police force in the five municipalities that form the Federal District and was headed by a career police officer, rather than a military officer. The Government intervened in the administration of the Metropolitan Police in November, alleging that the police force was repressing pro-government protests. The issue was not resolved at year-end. While civilian authorities generally maintained effective control over security forces, members of the security forces committed numerous and serious human rights abuses during the year.

The country has abundant natural resources and a market-based economy; however, the vast majority of natural resource extraction and production was done by

entities owned and operated wholly or in part by the Government. The country's population was approximately 24.9 million. Oil accounted for 26 percent of gross domestic product (GDP), 48 percent of government revenues, and 80 percent of the country's exports in 2001. Following economic growth of 2.8 percent in 2001, the country experienced a severe economic crisis. Severe political unrest disrupted productivity and discouraged investment. The Government faced a strong recession with negative growth of 7.1 percent in the first half of the year, a significant budget deficit (approximately 7 percent of GDP), a sharply depreciated currency (nearly 100 percent), and an inability to obtain financing in international markets. A national work stoppage interrupted oil production, closed ports to imports and exports, and disrupted domestic production throughout December. Official figures place overall negative growth for the year at 7 percent; unofficial estimates range up to 9 percent. Wages did not keep pace with inflation, which exceeded 40 percent during the year. In addition, income was distributed unevenly, with approximately 60 percent of the population living at or below the 2001 poverty line of $500 monthly per household.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The police and military committed extrajudicial killings of criminal suspects. The police allegedly had links to vigilante death squads responsible for dozens of killings in seven states. Investigations into the forced disappearances by the security forces of criminal suspects remained extremely slow. Torture and abuse of detainees persisted, and the Government failed to punish police and security officers guilty of abuses. Prison conditions remained harsh; violence and overcrowding was so severe as to constitute inhuman and degrading treatment. Arbitrary arrests and detentions increased. Impunity was one of the country's most serious human rights problems. Police rarely arrested suspects, and when they did, the suspects often were soon set free. Crimes involving human rights abuses did not proceed to trial due to judicial and administrative delays. Lengthy pretrial detention and corruption and severe inefficiency in the judicial and law enforcement systems also were problems.

The Government conducted illegal wiretapping of private citizens. Government intimidation was serious problem. The President, officials in his administration, and members of his political party frequently spoke out against the media, the political opposition, labor unions, the courts, the Church, and human rights groups. Many persons interpreted these remarks as tacit approval of violence, and they threatened, intimidated, or even physically harmed several individuals from groups opposed to Chavez during the year. The Government abused its power to require television and radio stations to air numerous speeches by President Chavez, other government officials, and other programming favorable to the Government, and by cutting the transmission of television stations that refused to air progovernment material on April 9–11. Violence and discrimination against women, abuse of children, discrimination against people with disabilities, and inadequate protection of the rights of indigenous people remained problems. Although concern over labor rights remained, the atmosphere for independent labor unions remained good. Child labor increased as economic conditions worsened. Trafficking in persons was a problem, although the Government took steps to reduce corruption among immigration authorities. Venezuela was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, members of the political opposition received death threats and were the victims of intimidation by government supporters. The security forces continued to commit extrajudicial killings, primarily of criminal suspects, although at a lower level than 2001. The Venezuelan Program of Action and Education in Human Rights (PROVEA), a respected human rights nongovernmental organization (NGO), documented 137 extrajudicial killings from October 2001 through September, compared with 212 killings from October 2000 to June 2001. These figures reflected a range of killings in different situations committed by organizations with varying levels of control and responsibilities and included summary executions of criminal suspects and deaths resulting from mistreatment while in custody. Police continued to fire on criminal suspects who disobeyed orders to halt.

The Government rarely prosecuted perpetrators of extrajudicial killings. The police often failed to investigate crimes allegedly committed by their colleagues and characterized incidents of extrajudicial killings as "confrontations," even when eyewitness testimony and evidence strongly indicated otherwise. In addition, the civil-

ian judicial system struggled to implement the 1999 Organic Criminal Procedures Code (COPP) and remained highly inefficient and sometimes corrupt (*see* Section 1.e.). In the small number of cases in which the courts convicted perpetrators of extrajudicial killings and other abuses, sentences frequently were light, or the convictions were overturned on appeal. Unlike common criminals, members of the security forces charged with or convicted of crimes rarely spent much time in prison.

Federal and state police continued to investigate vigilante "death squads" with apparent police ties that may be responsible for up to 48 killings in several states, including Portuguesa, Yaracuy, Anzoategui, Bolivar, Miranda, Aragua, and Falcon. In almost all cases, the victims were young, poor, and had criminal records. According to NGO reports, oftentimes the killers first demanded money from the victims, and when they were not able to pay, they were killed.

In October 2001, Human Rights Ombudsman German Mundarain called for "urgent intervention" by the federal government into the operations of state level police in seven states, in response to what he termed increasing numbers of extrajudicial killings that may have police connections. Neither the Attorney General's office nor the Ministry of the Interior acted. In conjunction with human rights NGO Red de Apoyo, the Human Rights Ombudsman's office conducted training sessions for the police in Portuguesa. According to the Public Ministry, there were 38 extrajudicial killings or forced disappearances in 18 of the country's 23 states during the year.

The majority of extrajudicial killings by security forces were attributed to state and municipal police forces that report to local officials and often had little training or supervision. The killings often involved a person mistaken for a criminal or alleged to have committed a crime. In other cases, human rights organizations reported that police officers acted at the behest of criminals who paid the officers to kill their enemies for them. There historically had been no investigation into these cases, but the CICPC investigated some cases during the year.

On April 15, municipal police officers from the town of Caroni shot 33-year-old Luis Beltran Yendis, according to human rights NGO Humana Dignitas. Beltran told the officers he had never had trouble with the police before. The police took Mr. Beltran outside where he was overpowered and then shot in the legs. Neighbors and family members witnessed the officers taking custody of Beltran, who was otherwise in good condition. At the police station, family members were told he had died of two gunshot wounds to the chest and could be found at the city morgue. There was no investigation reported.

Humana Dignitas also reported that on June 8, officers from the Special Operations Tactical Brigade (BTOE) of Ciudad Guayana shot 35-year-old labor activist Milton Jose Zuleta after he exited his home with his arms raised. At an officer's order, he turned around and then was shot and beaten by one of the officers. Mr. Zuleta's wife called for help; she was restrained by another police officer. When she tried to go outside to see her husband, she was hit in the head with the butt of the officer's gun. Zuleta was shot again and taken into custody. He later died. Medical reports indicated that he died from 10 bullet wounds. Humana Dignitas received information leading them to believe Zuleta was targeted for murder because of his activity in his labor union.

Humana Dignitas reported that on April 19, in San Felix, Bolivar state, municipal police forces killed 15-year-old Jose Gregorio Lopez without provocation while he was riding his bicycle. Witnesses reported seeing an officer plant a gun beneath a tree. The case was awaiting trial at year's end.

In August the press reported that officers from the CICPC began an investigation into the deaths of two persons who died in police custody. CICPC officers took Henry Alberto Marimon Villafane and Jose Antonio Gordon into custody in El Tigre, Anzoategui state. Police later discovered their charred bodies in a burned out car that belonged to one of the victims. There was no action taken in this case.

In September the press reported that officers from the Libertador municipality police force killed 22-year-old Adolfo Arcia and 19-year-old Elvis Montesinos. The officers had stopped the two men and their friends as they were returning home in a taxi. The men were told to get out of the taxi and were forced onto the ground. The police received gunfire from a nearby hill, at which point the men got up and ran. Montesinos and Arcia were hit in the back during the gunfire but were able to reach a nearby hospital. Before they could be attended, police officers detained them and told their friends they were taking them to a second hospital. Later that evening, the family located the pair, dead, at a third hospital. A CICPC investigation was pending at year's end.

Security forces also killed some prisoners; however, the majority of the inmate deaths during the year resulted from gang confrontations, riots, fires, and generally unsanitary and unsafe conditions in prison facilities (*see* Section 1.c.).

There were no developments in the case of army Lieutenant Alessandro Siccat, who sprayed and ignited paint thinner in the holding cell of three allegedly disobedient soldiers in January 2001. Two men were seriously burned; a third, Jesus Alberto Febres, died as a result of burns. A military court convicted Siccat; however, the Attorney General appealed, and in October 2001, the Supreme Court granted a civilian court jurisdiction (*see* Section 1.e.).

There were no new developments in the investigation into the June 2000 killings by the Caracas Metropolitan Police of Ronny Tovar, Francisco Mister, and Luis Hernandez.

There were mob lynchings of known criminals who preyed on residents of poor neighborhoods.

b. Disappearance.—The Constitution prohibits forced disappearance, and there were no reports of politically motivated disappearances during the year. The Constitution also states that an individual must refuse to obey an order to commit such a crime and provides for the prosecution of the intellectual author of the crime.

Government agents were suspected in the forced disappearances of at least four alleged criminal suspects and other individuals in Vargas state during a crackdown on looters following flooding in 1999. In September 2001, the Attorney General announced that formal charges had been filed against two DISIP agents in a Vargas court; however, there was no progress in the case.

In September an appeals court dismissed the case against DISIP Commissioner Jose Yanez Casimiro and retired Commissioner General Justiniano Martinez Carreno in the 1999 disappearances of Oscar Blanco Romero and Marco Monasterio. On February 22, the Vargas state penal court dismissed the charges against the two men because the witnesses could not identify them. COFAVIC, working on behalf of the victims' families, appealed the decision. The families of the victims, as well as the lawyers for COFAVIC, claimed the hearing was unfair because they were not given ample opportunity to speak before the court.

There were reports that Colombian guerrillas kidnaped persons for ransom. According to the National Federation of Cattlemen, 60 persons had been kidnaped as of June, compared with 94 in all of 2001. As of June, Colombian guerrillas still held 20 of the 94 landowners kidnaped in 2001.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and the holding of detainees incommunicado, provides for the prosecution of officials who instigate or tolerate torture, and grants victims the right to medical rehabilitation. Detainees have the right to a judicial determination of the legality of their detention within 3 days. However, security forces continued to torture and abuse detainees physically and psychologically. This abuse most commonly consisted of beatings during arrest or interrogation, but there also were incidents in which the security forces used near-suffocation and other forms of torture that left no telltale signs. Most victims came from the poorest and least influential parts of society.

PROVEA documented 324 cases of torture, beatings, and other abuse from October 2001 through September (affecting 1,064 victims), compared with 340 cases from October 2000 through September 2001 (affecting 667 victims).

Torture, like extrajudicial killings, continued because the Government did not ensure independent investigation of complaints. The Institute of Forensic Medicine is part of the CICPC, which contributed to a climate of impunity, since its doctors were unlikely to be impartial in their examinations of cases that involved torture by CICPC members. Very few cases of torture resulted in convictions.

Police officers and National Guard troops at times harassed or humiliated victims. For example, in April the National Guard harassed missionaries from the Church of Jesus Christ of Latter-day Saints (Mormons), by conducting strip searches and intimidating them (*see* Section 2.c.).

General prison conditions continued to be harsh due to underfunding, poorly trained and corrupt prison staff, and violence by guards and inmates. Despite the implementation of the COPP, the prison population was 117 percent of capacity. Twenty-two of the country's 30 prisons were overpopulated, some severely, according to the Ministry of the Interior and Justice. Overcrowding in some prisons was so severe as to constitute inhuman and degrading treatment. According to the Ministry of the Interior and Justice, 48 percent of all prisoners were in pretrial detention.

Underfunding compounded the degradation of even model prisons. Attempts to relieve overcrowding by transferring prisoners worsened conditions in other facilities. The prisons often lacked such basic equipment as telephones in the prison director's office. Prisoners often complained of food and water shortages.

The Government failed to provide adequate prison security. According to the Ministry of Interior and Justice, there were 244 deaths and 1,249 injuries from violence

in jails from October 2001 through September. Security forces committed a small number of the killings in prisons, and many prisoners died as a consequence of poor sanitary conditions, poor diet, and inadequate medical care. However, most inmate deaths resulted from prisoner-on-prisoner violence, riots, fires, and from generally unsafe conditions in prison facilities.

Prisoners reported that the prison officials allowed the prisoners to fight among themselves. For example, in the prison in Barcelona, prisoners claimed that prison officials permitted the more violent prisoners to kill each other to get rid of difficult prisoners, and did nothing to help those who were seriously injured, leaving them to die. Prisoners reported cases in which other prisoners disappeared after being injured in fights.

Prison employees reported that grenades and guns were present in some prisons. In May prison guards discovered grenades at San Antonio prison in Margarita. Guards reported similar access to weapons since February in Barcelona prison, in Anzoategui state. The National Director of Prisons launched an investigation into the National Guard because several of the weapons in the prisoners' possession had been decommissioned from the National Guard.

Inmates often had to pay guards and other inmates to obtain necessities such as space in a cell, a bed, and food. Because of the prison food's low quality and insufficient quantity, most prisoners get their food from their families, by paying prison guards, or in barter with other prisoners. Many inmates also profited from exploiting and abusing others, especially as convicted murderers and rapists often were housed with unsentenced or first-time petty offenders. Gang-related violence and extortion was fueled by the substantial trafficking in arms and drugs that occurred in prisons.

Prison officials often illegally demanded payment from prisoners for transportation to judicial proceedings (*see* Section 1.e.).

Women inmates were held in separate prisons, where conditions generally were better than those in the men's facilities. Security forces and law enforcement authorities often imprisoned minors together with adults, even though separate facilities existed for juveniles. Because reform institutions were filled to capacity, hundreds of children accused of infractions were confined in juvenile detention centers where they were crowded into small, filthy cells, fed only once a day, and forced to sleep on bare concrete floors.

Despite resistance from the Catholic Church and NGOs, the Government sporadically used the National Guard, normally charged with exterior prison security, to maintain internal control of prisons.

The Government permitted prison visits by independent human rights observers; however, guards were often unaware of international law, and sometimes refused entry to consular representatives unless they submitted to strip searches.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the 1999 COPP provide for freedom from arbitrary arrest and detention; however, the security forces continued to arrest and detain citizens arbitrarily.

There continued to be arbitrary detentions by the Caracas Metropolitan Police, the DISIP, municipal police forces, the National Guard, and the CICPC, especially during anticrime sweeps in impoverished sections of major cities. PROVEA documented 4,549 persons detained in sweeps from October 2001 through September, compared with 4,243 persons detained in sweeps from October 2000 through September 2001.

Human rights activists in border areas alleged that security forces continued to detain individuals and groups arbitrarily, citing the need to examine identity documents. Hundreds of Colombian nationals were detained and deported without due process (*see* Section 2.d.).

The COPP stated that a person accused of a crime cannot be incarcerated during criminal proceedings unless that person was caught in the act of committing a crime, or a judge determines that there was a danger that the accused may flee or impede the investigation. The law provides for the right to a judicial determination of the legality of the detention within 72 hours. Persons accused of crimes must be brought before a judge within 24 hours of arrest or be freed pending charges. In no case may the detention of a person accused of a crime exceed the possible minimum sentence for the crime committed, nor may it exceed 2 years. However, confusion over the COPP still exists, and arbitrary arrests continued to be common. Police on the streets were not well trained, and often abused their power for either personal or political reasons. In 2001 the National Assembly broadened the definition of the "in flagranti" circumstances in which a person may be apprehended and lengthened slightly the time provided to police to present charges prior to the release of an arrested individual (*see* Section 1.e.). Human rights groups claimed this change led to an increase in detentions.

Under the COPP, persons accused of petty crimes who had not been convicted but already had been in custody 2 years or the minimum sentence possible for that crime (whichever is less) are to be released if they passed a psychiatric examination. Under the provisions and benefits provided by the law, approximately 9,000 prisoners were released in 2000, the last year for which statistics were available. There were approximately 19,368 prisoners as of August, 48.27 percent of whom had not been convicted of a crime.

In April, during the short-lived government of Pedro Carmona, military officers held President Chavez for 36 hours against his will. Additionally, security forces conducted raids without warrants and took some Chavez supporters into custody illegally, including National Assembly deputy Tarek Willian Saab, a member of the Chavez-aligned MVR. According to COFAVIC, a large crowd had gathered around Saab's home, threatening him and his family. When the local police arrived to protect Saab, DISIP forces also arrived and took Saab into custody. He was held incommunicado for several hours.

Forced exile is illegal; however, during the short-lived Carmona government in April, military officials attempted to force the exile of President Chavez.

e. Denial of Fair Public Trial.—The civilian judiciary is legally independent; however, it was highly inefficient and sometimes corrupt, and judges were subject to influence from a number of sources, including the executive branch.

The judicial sector consists of the Supreme Court, which is the court of final appeal; the Public Prosecutor, who provides opinions to the courts on prosecution of criminal cases and brings to the attention of the proper authorities cases of public employee misconduct and violations of the constitutional rights of prisoners or accused persons; the Ministry of Interior and Justice, which manages the national police force (CICPC), files complaints in criminal courts, and oversees the prisons; and the Executive Directorate of the Magistrature (DEM), which oversees the lower courts as well as the selection and training of judges. The lower court system includes district and municipal courts as well as trial and appeal courts that deal with civil and criminal matters.

The 1999 COPP provides for the right to a fair trial and considers the accused innocent until proven guilty in a court. However, under the previous secretive inquisitorial code, the presumption of innocence generally was not respected nor accepted. The system was corrupt, paper-intensive, costly, and time-consuming. Judges were underpaid, poorly disciplined, and susceptible to political influence. The COPP introduced for the first time open, public trials with oral proceedings and verdicts by juries or panels of judges. The adversarial system also establishes the right to plead guilty and make reparation agreements; however, lengthy delays in trials remained common.

The Government continued to implement the COPP, which altered the fundamental concept of how justice is carried out, the legal procedures involved, and the respective roles of the police, judges, and lawyers. The police no longer detained persons arbitrarily for up to 8 days (*see* Section 1.d.) and worked under the supervision of a prosecutor; judges ceased to be investigators and arbiters of law; and prosecutors and defense attorneys assumed both roles respectively.

A November 2001 amendment to the 1999 COPP strengthens out-of-court settlements and increases victims' rights to compensation; provides physical protection to crime victims during trials; bolsters the work of juries for some crimes and eliminates them for others; eliminates some sentence reduction benefits for jailed criminals; and expands powers of detention (*see* Section 1.d.).

The law provides for public defenders for those unable to afford an attorney; however, there were not enough public defenders. According to statistics from the DEM, there were 531 public defense attorneys for the entire country, of which 164 were dedicated exclusively to juvenile cases and 367 for all other cases. Public defenders handled more than 63,000 cases throughout the country, with an average caseload of 150 cases per public defender. In some states, the average annual caseload was as high as 520 per public defender.

Prison officials often illegally demanded payment from prisoners for transportation to judicial proceedings. Those who were unable to pay often were forced to forgo their hearings (*see* Section 1.c.).

During the year, the DEM suspended and removed judges based on charges of incompetence or corruption. Judges were suspended with pay; however, some observers challenged that the judges' right to appeal was restricted. The Government held competitive examinations to fill judicial vacancies, beginning in Miranda and Vargas states in January 2001. Judges with pending cases against them were not eligible to take the examinations, and judges who have been reprimanded had points deducted from their scores. However, the slow pace at which suspended or fired judges

were replaced meant that, as of November, fewer than 25 percent of the judges in the country were permanent.

The military courts continued to implement a reform similar to the COPP in the military justice system. The Constitution established that trials for military personnel charged with human rights abuses would be held in civilian rather than military courts. However, the provision does not apply to cases that predate the 1999 Constitution, and there was no implementing law for the provision. There was no progress in the January 2001 case of army Lieutenant Alessandro Siccat (*see* Section 1.a.). In October 2001, the Supreme Court ruled that civilian courts should hear the case. The Court declared the court-martial and sentence null and void, and sent the case to a state civilian court in Maracay. Siccat remained detained at year's end and awaiting trial in Aragua state at year's end. His court appearance has been suspended twice.

Human rights NGOs continued to express concern that the Supreme Court's selection of military judges from a list of candidates provided by the Minister of Defense links the careers of military judges to the high command, making them more responsive to the views of their military leaders and influencing them to act slowly in cases in which the military is implicated. However, human rights groups noted the Ministry of Defense's decision in 2001 to publish its judge candidate lists and called this a step toward greater transparency in this process.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Constitutional provisions prohibit arbitrary interference with privacy, family, home, and correspondence; however, the security forces continued to infringe on citizens' privacy rights by conducting searches of homes without warrants, especially during anticrime sweeps in impoverished neighborhoods. Reports of illegal wiretapping and invasion of privacy by the security forces increased during the year. On various occasions, progovernment legislators made public surreptitiously taped conversations, such as one between labor leader Carlos Ortega and former President Carlos Andres Perez. The conversation was political in nature, not criminal. The Minister of Justice and Interior denied authorizing the taping.

In June a group of MVR deputies made public a recording of two telephone conversations between journalist Patricia Poleo and one of her contacts. Poleo filed a complaint with the Attorney General's office and with the Organization of American States (OAS). The journalist also complained she was the victim of government surveillance. In August Chacao municipality police disrupted DISIP surveillance of Chacao Mayor Leopoldo Lopez, a Chavez critic.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. However, press freedom deteriorated significantly during the year. Violence and threats of violence against the media increased markedly during the year, as did government intimidation. As a result, self-censorship by the media was thought to be widespread.

Individuals and the media freely and publicly criticized the Government; however, as noted by the Inter-American Human Rights Commission's (IAHRC) Special Reporter on Press Freedom, reprisals and threats of violence against journalists and media organizations restricted freedom of expression in practice. In addition, some individuals reported that the Government recorded and aired publicly private telephone conversations, restricting freedom of speech (*see* Section 1.f.).

Print and electronic media were independent. The Government had a national television station, a national radio network, and a newswire service whose directors were named by the President. The President had a weekly call-in show on television and radio. Since April these shows aired only on state media; commercial television and radio were not obligated simultaneously to broadcast the program, as was true before April. Independent media observers criticized the state media for extreme progovernment politicization. State media employees complained about purges of employees considered to be anti-Chavez, and some employees of state-owned Radio Nacional and Venezolana de Television claimed they have lost their jobs because of their political views. Community media, including radio and TV stations, also existed. These are distinct from mainstream commercial media in legal status, frequency licensing requirements, and advertising regulations. Most community media were new and were progovernment in editorial policy.

Media analysts, journalists, and other observers alleged that the criminal defamation and libel laws were used to intimidate or harass the media. Because of the lengthy process and considerable legal costs, some observers regarded these lawsuits, or threats of lawsuits, as examples of attempts to intimidate journalists and

discourage investigative journalism. The editor of "La Razon" newspaper remained overseas because of one such long-running lawsuit.

The Constitution states that all persons have the right to "timely, true, and impartial" information, without censorship. This "true information" article raised concerns in the domestic and international media that it could be used by the Government to censor or intimidate the press. The Constitution also provides for the "right to reply" for individuals who believe they are portrayed inaccurately in media reports. Media figures criticized the Supreme Court's 2001 ruling that established criteria for determining and exercising the right to timely, true, and impartial information. President Chavez has demanded a right to reply on several occasions. However, some individuals named by the President in his weekly national radio show complained that they have not been granted the right to reply.

The Constitution declared that it is "contrary to the freedom of information" for a medium to "emit negative or critical concepts about ideas, thoughts, judgments, rulings, etc.," without indicating what is being criticized. The ruling set criteria to establish whether a media report is "true" or not, according to the Constitution. Violations include expressing opinions that contain statements that are "out of context, disconnected, or unnecessary for the topic, or offensive, insidious, or degrading expressions unconnected to the topic, or unnecessary for the forming of public opinion." The ruling affirms that information can be censored prior to publication if it violates Article 57 of the Constitution, which prohibits anonymous authorship, war propaganda, and messages that promote discrimination or religious intolerance. The Court also ruled that it is "restrictive of true and impartial information" if a majority of a medium's writers of editorial articles express the same ideological tendency, unless that medium openly declares itself to be a party to those views. The domestic media and international organizations such as the Inter-American Press Association (IAPA) and the Committee for the Protection of Journalists criticized the Court's ruling.

A 1994 law requires practicing journalists to have journalism degrees and be members of the National College of Journalists. These requirements are waived for foreigners and for opinion columnists, on the grounds of tolerance of free speech.

In October 2001, the President accused television station Globovision of engaging in a "campaign of lies" against the Government. President Chavez warned Globovision's director Alberto Federico Ravell and its owner Nelson Mezerhane that if they did not reconsider their broadcasts, he would "be forced to activate mechanisms in defense of the national interest, truth, and public order" and that their actions might have "legal consequences." President Chavez noted that the "airwaves belong to the State," announced that he had ordered the National Telecommunications Commission (Conatel) to investigate the station, and warned that the station's broadcast licenses might be reviewed. In October 2001, Conatel announced that it was opening administrative proceedings against Globovision to determine if the station had violated broadcast content regulations. The situation continued at year's end.

International organizations and domestic journalists charged the Government with encouraging a climate of hostility toward the media that jeopardizes freedom of the press. In September the IAPA expressed its concern for "the serious deterioration of press freedom in Venezuela due to a climate of intimidation and physical attacks against journalists and media outlets, as well as a legal and judicial system, that threatens the free practice of journalism." In its annual report released to the General Assembly in October, IAPA stated that "freedom of expression is exposed to a series of risks that are not limited to simple threats or to abuses that compromise its existence, but include serious measures and revenge for exercising that freedom."

The law allows the Government to call national broadcasts (cadenas) requiring all broadcast media to pre-empt scheduled programming and transmit the broadcasts in their entirety. Domestic and international observers criticized the Government for excessive abuse of this right. For example, April 8 and 9, the Government aired more than 30 cadenas to block commercial broadcast media reporting on massive opposition demonstrations.

The Government influenced the press through licensing requirements for journalists, broadcast licensing concessions for television and radio stations, and lucrative public sector advertising.

Some commercial radio stations complained that the allocation of broadcasting frequencies to community radios was not in accordance with existing broadcast regulations. On April 12 and 13, several community media charged that state security agents of the short-lived Carmona government entered their installations and harassed their employees.

The Government denied equal access to official events. In August the Government and government supporters restricted private media's access to cover government-sponsored events. Between August and December, guards at the presidential palace occasionally turned away reporters from private stations, and in December restricted their access altogether. State controlled television and radio stations continued to have full access.

The Telecommunications Law of 2000 establishes that the President, "when he judges it convenient to the interests of the nation, or when required for reasons of public order or security, can suspend telecommunications broadcasts, in conformity with the Constitution." Some observers believed that this article might allow the suspension of media broadcasts for vague and arbitrary reasons. The President referred to this law many times and threatened to revoke commercial broadcast licenses. Many media professionals complained that investigations of television and radio stations by state broadcast regulation agency Conatel were politically motivated.

On April 11, the Government shut the television signals of Venevision, Televen, RCTV, Globovision, and CMT for several hours. In addition, armed troops from the DIM also surrounded the CMT building for several hours trapping station employees inside.

There were numerous allegations of government pressure against the media. President Chavez repeatedly singled out media owners and editors by name and charged that the media provoked political unrest. The statements resulted in a precarious situation for journalists, who were frequently attacked and harassed.

President Chavez also publicly accused media owners and institutions of tax evasion. Media figures charged that the Government used ongoing tax cases and tax investigations to pressure media owners and cited as an example, on May 3, the announcements of Conatel investigations of commercial televisions.

On January 17, the National Assembly passed a resolution calling on media owners to discuss and adopt a Code of Ethics. The media rejected the resolution as inappropriate state interference.

On March 13, state news agency Venpres characterized several media figures as narco-journalists. The Committee to Protect Journalists criticized the article as an obvious government effort to defame.

There were credible reports of state security agents spying on, harassing, intimidating, and physically attacking journalists. Some security agents masqueraded as journalists and photographed or filmed antigovernment speeches and gatherings. There were numerous cases of wiretaps of journalists, media owners, and media's telephones, apparently without legal authorization (*see* Section 1.f.).

In January 600 journalists severely criticized the systematic verbal aggression, principally from the President, and charged that the President's rhetoric stigmatized them and led to physical and verbal aggressions by supporters of the regime. The press workers and photographers syndicate also criticized the derogatory, unfair, and inconsiderate rhetoric. The IACHR ordered protective measures for numerous individual journalists and for many television stations and newspapers. The country remained on International Press Institute's "watch list" of countries where there was a growing tendency toward suppression or restriction of press freedom.

Violence and threats of violence against the media increased markedly during the year. On April 11, newspaper photographer Jorge Tortoza was killed and several others were injured during demonstrations. In August progovernment protesters shot a television cameraman while he was covering the event. During the year, according to media sources and published reports, at least 7 reporters were shot and more than 80 were physically attacked, including with weapons such as clubs, knives, rocks, and battery acid while covering street demonstrations and political rallies. Five were victims of crime under suspicious circumstances; nearly 100 reported having received threats, in some instances telephoned death threats. At least 28 individuals and media organizations requested and received protective measures from the IAHRC. There were many incidents of vandalism, theft, and destruction of media vehicles, cameras, and other equipment, including several incidents caught on videotape. At least 13 media vehicles were vandalized and 4 television cameras and 2 microwave transmitters were destroyed.

Violent or threatening demonstrations occurred at several media offices. In January government supporters, some armed with baseball bats and sticks, demonstrated in front of the newspaper El Nacional and chanted "Tell the truth or we will burn you down." There were recurrent demonstrations in front of the studios of RCTV during the year. On December 9, in an action severely criticized by OAS Secretary General Cesar Gaviria, government supporters, in some instances accompanied by pro-government deputies from the National Assembly, simultaneously

surrounded and attacked 33 media installations throughout the country, causing significant damage.

There were numerous bomb threats and several explosive devices attacks against the media. On January 31, an assailant threw a firebomb at the offices of Asi es la Noticia newspaper after its director published a video alleging ties between the Government and Colombian guerrillas. In July an assailant threw a fragmentation grenade at the studios of Globovision television. On September 12, four incendiary devices were thrown at the studios of Promar TV. In November an incendiary device exploded in Globovision television's parking lot, destroying two vehicles and part of the building.

On April 13, progovernment crowds assembled at private television stations and demanded access to the studios. The demonstrators forced the stations to air messages by demonstration leaders and to rebroadcast state television programming. On April 14, most Caracas newspapers did not publish because progovernment crowds forced the abandonment of the newspaper buildings.

Venevision journalists outside Caracas were threatened with violence and in several instances were forced into hiding. Several journalists, fearing for their safety, fled the country. Pro-Chavez demonstrators took over various radio stations to convene supporters "to defend the revolution."

Although there was no official censorship of cultural activities, violent protests also were aimed at political satirists and political comedy shows perceived by demonstrators as being critical of President Chavez.

The Government did not restrict access to the Internet.

While academic freedom traditionally has been respected, the autonomy of the country's universities was threatened during the year. Public institutions of higher education designated as "experimental universities" are governed by Superior Councils, to which the Government may appoint a majority of members. The Government successfully replaced the leadership of other universities, mostly in the interior of the country, with political allies.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of peaceful assembly and association, and the Government generally respected these rights in practice. Public meetings, including those of all political parties, generally were held unimpeded. The Government required permits for public marches but did not deny them for political reasons. The Metropolitan Police reported that, although both opposition and progovernment marches took place during the year, only opposition-march organizers requested permits.

The Constitution prohibits the use of firearms to control peaceful demonstrations. Supporters and opponents of President Chavez repeatedly demonstrated in the streets of the capital and other cities during the year. Several demonstrations resulted in injuries or loss of life. Both the authorities and the demonstrators used firearms (including military weapons), tear gas, and billy clubs against each other.

There were allegations that the Metropolitan Police used excessive force during various demonstrations. Several witnesses reported seeing Metropolitan Police officers firing on progovernment demonstrators during the April 11 protests and in the subsequent days of mass looting throughout Caracas. The President criticized the Metropolitan Police for firing on a group of progovernment demonstrators as they protested a Supreme Court decision in August.

Professional and academic associations generally operated without interference; however, in 2000, the Supreme Court ruled that NGOs that receive funding from foreign governments or whose leaders are not Venezuelan are not part of "civil society" and therefore may not represent Venezuelan citizens in court or bring their own legal actions; Religious organizations are not part of civil society and are subject to the same restrictions; and the Government has an obligation to ensure that NGOs are "democratic in nature" and therefore the internal elections of nonprofit groups (such as for boards of directors) can be regulated by the National Electoral Council. The Government has not moved to implement the Court's decision.

Following months of tension, the Confederation of Venezuelan Workers and Fedecamaras, the country's largest business federation, called a national strike and opposition groups organized a protest march for April 11. As the crowd of approximately 400,000 to 600,000 marchers approached the presidential palace, National Guard officers prevented the marchers from advancing. Unidentified shooters fired on the crowd, and at least four men were filmed firing from Puente Llaguno, a pedestrian overpass. Metropolitan Police officers escorting the marchers also fired their weapons. Both sides claimed the other fired first. Although no official count exists, COFAVIC reported that at least 19 persons died, at least 17 of whom were anti-Chavez demonstrators. Four men identified shooting from Puente Llaguno were arrested and were awaiting trial at year's end. During the march, President Chavez ordered the implementation of "Plan Avila," a civil defense plan intended to mobilize

troops to protect the presidential palace from attack. Military officers refused to implement this plan, claiming it would have violated the human rights of the civilian demonstrators.

After April opposition groups requested permission to demonstrate at the presidential palace on several occasions, but were not granted permission for security reasons. Government supporters regularly congregated there to show their support for the president, although they did not hold organized marches, and therefore did not require permits. In September President Chavez issued a decree establishing eight security zones within Caracas. The decrees gave the central government rather than municipal officials the authority to permit demonstrations there. The zones included areas around military installations, state television and radio stations, and PDVSA headquarters. Opposition groups criticized these security zones as a restriction on the right of assembly. As of November, the Government had not used the decrees to hinder freedom of assembly.

The Metropolitan Police and National Guard used tear gas to restrain crowds in the April 11 demonstrations, and there was evidence that National Guard troops shot at demonstrators. The Metropolitan Police, in turn, fired on progovernment supporters. In August Metropolitan Police used tear gas and a water cannon against pro-Chavez protesters at various demonstrations against the Supreme Court. The President accused the Metropolitan Police of committing human rights violations during these protests. During one demonstration, National Guard officers received gunfire from the crowd, including fire from semiautomatic weapons, at which point they returned fire. Several demonstrators were injured.

In November members of opposition political parties and civil society marched to CNE headquarters to deliver more than 2 million signatures to request a consultative referendum. Marchers battled to deliver the signatures amidst violent demonstrations by government supporters. Although the Government sent emissaries to try to discourage the violence, the crowds fired guns and threw rocks and bottles at the marchers and Metropolitan Police. The National Guard eventually dispersed the crowd.

c. Freedom of Religion.—The Constitution provides for freedom of religion, on the condition that the practice of a religion not violate public morality, decency, or the public order, and the Government generally respected this right in practice.

In 1964 the Government and the Holy See signed a concordat that underscores the country's historical ties to the Roman Catholic Church and provides government subsidies to the Church, including to its social programs and schools. During the year, this money was not disbursed due to budget shortages. Other religious groups are free to establish and run their own schools, but they do not receive subsidies from the Government.

Each local religious group must register with the Directorate of Justice and Religion in the Ministry of Interior and Justice to hold legal status as a religious organization and to own property. The requirements for registration were largely administrative. However, some groups complained that the process of registration was slow and inefficient. A special visa is required for foreign missionaries to enter the country, which is obtained through consulates abroad. Missionaries were not refused entry generally, but many complained that due to general bureaucratic inefficiency the Government often took months or years to process a request.

Archbishop Balthazar Porras, president of the Venezuelan Episcopal Conference, complained to the Vatican in September about what he characterized as increased government attacks on the Catholic Church. For example, on January 25, Chavez said that the Catholic Church was one of Venezuela's problems and that it was a tumor that must be eradicated. Members of the Church, including Monsignor Porras, reported being threatened, and one priest, Father Juan Manuel Fernandez was shot. There has been no investigation into these crimes.

Some foreign missionaries complained that members of the National Guard harassed them. In May the Church of Jesus Christ of Latter-day Saints (Mormons) reported that the National Guard harassed two of its missionaries in Tachira state. According to church officials, National Guard troops stopped missionaries at a checkpoint on two occasions and told them to strip. On one occasion, the officer asked one of the missionaries to surrender his foreign passport. When the missionary resisted, the officer made him strip completely naked and demanded that he jump up and down, while other guards laughed at him. The missionary's clothes and body were not searched.

For a more detailed discussion see the *2002 International Religious Freedom Report*.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of citizens and legal residents

to travel within the country and to go abroad and return, and the Government generally respected these rights in practice. However, the Government may suspend the freedom to travel. The Government also restricted foreign travel for persons being investigated for criminal activities. In addition, the Government requires citizens and foreigners resident in the country who are departing the country with minors to present to immigration officials proof of authorization from the minors' parents.

There is still a large population of internally displaced persons following the 1999 floods during which more than 250,000 persons lost their homes. Although many of those affected were relocated to other communities in the interior of the country, thousands returned and live in shantytowns in and around Caracas.

The Constitution recognizes and provides for the right to asylum and refugee status. Both the Constitution and the Organic Refugee Law that came into effect in October 2001 are in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law is designed to expand the legal rights of refugees, contains a broad definition of the conditions that would entitle individuals to refugee status, commits the Government to an active role in providing humanitarian assistance to refugees, and creates an institutional body to make refugee and asylum status determinations. In August President Chavez inaugurated a new office of the U.N. High Commissioner for Refugees (UNHCR) in San Cristobal, Tachira state.

Implementing regulations for the Refugee Law have not been drafted, and training for border officials was poor. As a result, there was no formal mechanism for those seeking asylum to legalize their refugee status. During the year, the UNHCR worked with the Attorney General's office to investigate cases on an ad hoc basis to speed the Commission's ability to decide a case once it is formed. UNHCR reported that files were often lost or misplaced, since the Attorney General's Office had no fixed department to centralize the processing of these cases. UNHCR also noted that the investigation of refugee claims was flawed. For example, for family groups, the review process involved only the head of the family, even when the dependents' cases may be more compelling from a humanitarian standpoint.

Persons who applied formally for refugee status were given no provisional documentation that legalized their presence in the country. Therefore, they had no legal protection, and could not legally work, attend public school, or receive public health services. National Guard troops rarely investigated the cases of undocumented aliens found at security checkpoints along the border before deporting them.

As of October, there were approximately 200 persons in the country who had been granted refugee status from prior years, and approximately 1,000 additional refugee claims pending.

In theory, the Government provides first asylum. However, the Government denied the existence of all but a small number of Colombians who crossed the border and claimed to be fleeing paramilitary incursions. It called the Colombians, whose presence it did acknowledge, "displaced persons in transit"—a term that does not exist in public international law. According to UNHCR, the number of small groups entering the country, including individuals and small family groups, increased. In these cases, the persons often chose to blend into the local population rather than apply for formal refugee status.

There were no reports of forced return of persons to a country where they feared persecution. However, the National Guard in the border region in Zulia, Tachira, and Apure states, reported that they deported on average 42 Colombian nationals per day. As of September, they deported 9,533 persons. Although the law requires the authorities to take 30 days to investigate each undocumented persons case, this was done only rarely.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides for the direct election of the President and unicameral National Assembly, as well as of state governors, state legislative councils, and local governments. Political parties organize, and their candidates are allowed freely to run for office and to seek the support of voters. The President has extensive powers and the legislature appoints the members of the Supreme Court, the CNE, and the Citizen Power consisting of the Ombudsman, Public Prosecutor, and Controller General.

In 1999 the National Constituent Assembly (ANC) drafted and submitted to a popular referendum a new Constitution, which went into effect in December 1999. The ANC also decreed new general elections. In July 2000, in voting that observers from the OAS and various countries judged to be generally free and fair, voters

elected President Chavez, with 59 percent of the vote. Chavez's supporters won a majority (92 seats) in the 165-seat National Assembly. His supporters also won half the governorships.

In December 2000, the National Assembly appointed members of the Supreme Court and the Citizen Power in a process that was criticized by the political opposition, the media, and NGOs as unconstitutional. These groups argued that the procedures set forth in the 1999 Constitution regarding civil society participation in the selection process were not followed. The outgoing Ombudsman and others challenged the selection procedure but lost the appeal.

Displeased with President Hugo Chavez, several opposition groups and political parties sought to remove him from power throughout the year. In April military officers illegally detained Chavez, and opposition business leader Pedro Carmona, without any constitutional authority, declared himself President. Their principal legal avenues were to try to convict the President of a crime, to hold a non-binding referendum to remove him from the presidency, and to pass a constitutional amendment to shorten his term of office.

In April the country experienced a temporary alteration of constitutional order. Political opposition leaders, business associations, and labor leaders organized various public demonstrations and work stoppages opposing President Hugo Chavez beginning in late December 2001. On April 11, an estimated 400,000 to 600,000 people participated in a march in downtown Caracas to demand President Chavez's resignation. When the march approached central Caracas, the Government cut the transmission of private television stations that refused to broadcast a series of presidential speeches. As marchers changed course and approached the Presidential Palace, gunfire broke out, resulting in as many as 18 deaths and more than 100 injuries, with dead and injured on both sides. Military officers announced they would not follow presidential orders to attack the marchers and took President Chavez into custody. Opposition business leader Pedro Carmona proclaimed himself as interim president when General Lucas Rincon Romero, Inspector General of the Armed Forces, announced Chavez had resigned the presidency. Carmona dissolved the National Assembly, the Supreme Court, and suspended the Constitution. DISIP officers arrested officials of the Chavez government. Between April 12 and 14, Chavez supporters turned out and looting broke out in some areas of Caracas, resulting in more deaths and injuries. On April 14, troops loyal to Chavez returned him to power. An investigation into the April 11 shootings, plagued by irregularities, has failed to result in any convictions.

Women and minorities participated fully in government and politics. The National Assembly's Family, Women, and Youth Committee promotes political opportunities for women. In the July 2000 elections, women won 20 seats in the 165-seat Assembly. There were 4 women in the 18-member Cabinet.

Indigenous people traditionally have not been integrated fully into the political system due to low voter turnout, geographic isolation, and limited economic and educational opportunities. The 1999 Constitution reserved three seats in the National Assembly for indigenous people, and these seats were filled in the July 2000 election. There were no indigenous members in the Cabinet. One of the Vice Presidents of the National Assembly was an indigenous person.

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

A wide variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were occasionally responsive to their views. However, NGOs objected to a November 2000 Supreme Court ruling that NGOs that receive funding from foreign governments or whose leaders are not Venezuelan were not part of civil society. The ruling concluded that such NGOs may not represent citizens in court or bring their own legal actions, and that NGOs are subject to government regulation of their internal leadership selection should they be found to be "undemocratic in nature" (*see* Section 2.b.). This ruling has not impeded the work of NGOs.

Several human rights NGOs received an increased number of threats and intimidation by government representatives and government supporters.

A Caracas NGO that works on behalf of victims of violence, COFAVIC, received e-mail and telephone threats beginning in January from Bolivarian Circles and persons who identified themselves as Chavez supporters. The Attorney General's office and Human Rights Ombudsman's office did not pursue requests by COFAVIC for investigations of this harassment. In May COFAVIC filed a complaint with the IACHR. The IACHR recommended that the Government provide police protection to COFAVIC's offices and director. It also called for the Government to investigate

COFAVIC's claims and speak out against the intimidation of human rights organizations. The Government did not respond to this request. The Metropolitan Police provided bodyguards for the COFAVIC director and protection in and around COFAVIC's office.

The Ombudsman is responsible for compelling the Government to adhere to the Constitution and laws and, together with the Public Prosecutor and Controller General, makes up the Citizen Power branch of government. In 2000 the National Assembly named attorney German Mundarain as the new Ombudsman (*see* Section 3). Since his appointment, Mundarain has used his position to urge broad consensus on human rights issues. However, human rights NGOs claimed that the Ombudsman's office had acted on only a small number of cases presented to it. Many critics claimed that the Ombudsman was not truly impartial.

Human rights groups remained concerned about the Chavez administration's lack of a human rights agenda and lack of support for the national human rights agenda formulated by the previous government. There have been no meetings between President Chavez and NGOs to discuss human rights issues since 1999. However, NGOs have developed relationships with specific government bodies such as the Ministry of Education (to develop educational materials on human rights), the Foreign Ministry (to discuss the resolution of existing human rights cases against the Government in international courts), and the National Assembly (to discuss proposed legislation affecting human rights). The Government also continued to fail to support the National Human Rights Commission created in 1996 to coordinate government human rights programs and to serve as a forum for dialog with NGOs.

The Defense Ministry's human rights office continued to conduct courses as part of the armed forces' training curriculum. Human rights NGOs complained that the Ministry still rejected the validity of their reports of alleged human rights violations by the armed forces and remained unwilling to provide evidence to refute the charges, citing confidentiality regulations.

Following the violence of April 11–14, several NGOs, political parties, and observers called for the creation of a truth commission. National Assembly deputies introduced legislation to create one; however, it did not pass.

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

The Constitution expressly prohibits discrimination on the basis of politics, age, race, sex, creed, or any other condition, and the law prohibits discrimination based on ethnic origin, sex, or disability. However, the Government did not protect women adequately against societal and domestic violence and did not ensure the disabled access to jobs and public services, nor did it safeguard adequately the rights of indigenous people during the year.

There were no new developments in the 2000 case that state police in Valencia, Carabobo state, detained four transgendered persons and held them incommunicado for 2 days without food or drinking water. The family of one of the detainees filed a formal complaint with the Public Ministry.

Women.—Violence against women continued to be a problem, and women faced substantial institutional and societal prejudice with respect to rape and domestic violence during the year. Domestic violence against women was very common and was aggravated by the country's economic difficulties. There were 8,411 cases of domestic violence reported to the authorities during the year. Many domestic violence cases were not reported to the police. The police generally were unwilling to intervene to prevent domestic violence, and the courts rarely prosecuted those accused of such abuse, according to local monitors. In addition, poor women generally were unaware of legal remedies and have little access to them. The law requires police to report domestic violence and obligates hospital personnel to advise the authorities when it admits patients who are victims of domestic abuse cases.

Rape is extremely difficult to prove, requiring at a minimum medical examination within 48 hours of the crime. A provision in the Penal Code also provides that an adult man guilty of raping an adult woman with whom he is acquainted can avoid punishment if, before sentencing, he marries the victim. Few police officers were trained to assist rape victims. During the year, the police received 3,492 reports of rape. However, women's organizations asserted that these figures were low and did not accurately portray the problem of rape and sexual assault. They claimed that many victims did not report the incident or press charges due to societal pressure and their own feelings of guilt.

There were reports that women were trafficked to Spain for purposes of prostitution (*see* Section 6.f.).

Sexual harassment in the workplace was a common problem but was not a criminal offense.

Women gradually surmounted many of the barriers to their full participation in political and economic life; nonetheless, they still were underrepresented in leadership positions and, on average, earned 30 percent less than men. Women accounted for approximately half the student body of most universities and advanced in many professions, including medicine and law. As of November, 70 women were in training at the Army's military academy, 100 were in training at the Naval academy, 39 were at the Air Force academy, and 75 were in training at the National Guard academy. A 2000 government decision allowed women to attend military academies and serve in expanded roles as officers in the armed forces. Women and men were legally equal in marriage.

The Constitution provides for sexual equality in exercising the right to work. The 1990 Labor Code specifies that employers must not discriminate against women with regard to pay or working conditions, must not fire them during pregnancy or for 1 year after giving birth, must grant them unpaid leave and benefits for 6 weeks before the birth of a child and 12 weeks after, and must provide them with 10 weeks of unpaid leave if they legally adopt children under 3 years of age. According to the Ministry of Labor and the Confederation of Venezuelan Workers (CTV), the country's major labor federation, these regulations were enforced in the formal sector, although social security payments often were delayed.

In 2001 the National Institute for Women (formerly the National Women's Council)—an agency of the Presidency with representation from the Ministries of Justice, Education, Family, Health, and Labor—designed two programs to assist women in need and enhanced the economic independence of women. The first program was the "Women's Bank" to provide small-scale financing to micro-enterprises run by women. In February the Government said that $10 million (15 billion bolivars) had been placed into this fund. However, the fund did not publish its balances, and it was not controlled by the Ministry of Finance. There were allegations of corruption and mismanagement within the fund. The second initiative was the Women's Shelters Program—the construction of a series of centers to receive, care for, and rehabilitate women in distress.

There were a number of NGOs concerned with domestic violence, sex education, and economic discrimination. However, the recommendations of these groups were not implemented widely by the police or other concerned government agencies.

Children.—The Organic Procedural Law on Adolescents and Children establishes legal protection of children under the age of 18, regardless of nationality; however, observers expressed concern over the slow implementation of the law's provisions. Government expenditures on education, health, and social services decreased during the year due to a weakening economy and government budget deficits. Primary and secondary education was chronically underfunded. According to the Constitution, the State is to provide free education up to the university-preparatory level (15 or 16 years old) and the law provides for universal, compulsory, and free education; however, an estimated 57 percent of children left school before the 9th grade.

In addition, approximately 1 million children were not eligible to receive government assistance, including public education, because they were either illegal aliens, or their births were not documented properly, according to the annual report of the NGO Community Centers for Learning (CECODAP). A 1998 government regulation requires hospitals to register the births of all children, but a government program of sending teams into poor neighborhoods to register minors has been discontinued. Many children remain undocumented.

According to a 2001 report by CECODAP, approximately 25 percent of children under the age of 15 had a nutritional deficit. Substandard conditions contributed to the increase in preventable diseases that were leading causes of infant mortality.

Increasing poverty raised the level of stress within families and led to a rise in the number of abandoned children and to more child abuse. Reports of child abuse were rare due to a fear of entanglement with the authorities and societal ingrained attitudes regarding family privacy. The judicial system, although slow, ensured that in most situations children were removed from abusive households once a case had been reported. However, public facilities for such children are inadequate and had poorly trained staff.

There were reports that children from other South American countries, especially Ecuador, were trafficked to work in Caracas as street vendors and housemaids (*see* Section 6.f.).

According to CECODAP, approximately 1.6 million children worked in the country, mostly in the informal sector where they worked as street vendors or as beggars. An estimated 206,000 children were involved in prostitution, drug trafficking, and petty crime.

The authorities in Caracas and several other jurisdictions tried to cope with the phenomenon of street children by continuing to impose curfews for unsupervised mi-

nors. Children's rights advocates claimed that curfews permitted the police to act arbitrarily and detain persons who had committed no crime. Because reform institutions were filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in juvenile detention centers (*see* Section 1.c.).

Children's rights advocates continued to criticize the Government's lack of success in reuniting children and parents who were separated in the flooding in Vargas state in 1999. At year's end, some children remained missing. The Ombudsman's office continued to investigate whether some of these children may have been trafficked (*see* Section 6.f.).

Persons with Disabilities.—Persons with disabilities had minimal access to public transportation, and ramps were practically nonexistent, even in government buildings. According to local advocates, persons with disabilities were discriminated against in many sectors, including education, health care, and employment.

A comprehensive 1993 law to protect the rights of persons with disabilities requires that all newly constructed or renovated public parks and buildings provide access. The law also forbids discrimination in employment practices and in the provision of public services. However, the Government had not made a significant effort to implement the law, inform the public of it, or try to change societal prejudice against persons with disabilities.

There were no reports of discrimination against persons with mental disabilities.

Indigenous Persons.—Although the law prohibits discrimination based on ethnic origin, members of the country's indigenous population frequently suffered from inattention to and violation of their rights. There were approximately 316,000 indigenous people in 27 ethnic groups. Many indigenous people were isolated from modern civilization and lack access to basic health and educational facilities. High rates of cholera, hepatitis B, malaria, and other diseases plagued their communities.

The Constitution creates three seats in the National Assembly for indigenous people and also provides for "the protection of indigenous communities and their progressive incorporation into the life of the nation." Nonetheless, local political authorities seldom took account of the interests of indigenous people when making decisions affecting their lands, cultures, and traditions, or the allocation of natural resources. As farmers and miners intruded on their habitats, indigenous communities faced deforestation and water pollution. Few indigenous persons held title to their land, but many did not want to because most indigenous groups rejected the concept of individual property. Instead, they called on the Government to recognize lands traditionally inhabited by them as territories belonging to each respective indigenous group.

In July 2001, four members of the Pume indigenous people in Apure state were killed during an apparent effort to take control of the land they occupied, according to a Pume woman who witnessed the incident. The family of four—Cruz (age 50), Lorenzo (age 28), Ana Maria (age 25), and Rosa Maria Flores (age 9)—were attacked by nonindigenous persons armed with machetes and firearms. Another Pume member, Carmen Flores, witnessed the killings and escaped unnoticed. In August 2001, two persons were arrested in connection with the killings. In November 2001, a court found them innocent and they were released. In July the Supreme Court reopened the case and ordered that the two men be detained.

The Yanomami, among the most isolated of the indigenous people, have been subjected to persistent incursions into their territory by illegal gold miners, who have introduced both diseases and social ills.

Members of the Warao indigenous group of Delta Amacuro state continued to migrate during the year from their homelands in the swampy Orinoco delta to Caracas, where they live in the streets, selling handicrafts and begging. The Warao claim that flooding and petroleum exploration have eroded their traditional means of survival: Fishing and horticulture. The Caracas city government and the Metropolitan Police maintained a policy of forcing the Warao to return to the delta by rounding them up and loading them onto buses. In 1998, the last year for which estimates are available, they returned at least 15 groups averaging 100 Warao each. Many of the Warao nevertheless return to Caracas, citing lack of jobs and money in the delta and their ability to earn approximately $112 (130,000 bolivars) per week in handouts in Caracas.

Section 6. Worker Rights

a. The Right of Association.—Both the Constitution and the 1990 Labor Code recognize and encourage the right of workers to organize; however, concerns over labor rights continued. According to the Constitution, all workers, without prejudice or need of previous authorization, have the right to form freely unions that they believe can help them defend their rights and interests, as well as the right to join—

or refrain from joining—these organizations. The 1990 Labor Code extends the right to form and join unions of their choosing to all private and public sector employees, except members of the armed forces. The Constitution provides that labor organizations are not subject to intervention, suspension, or administrative dissolution, and workers are protected against any discrimination or measure contrary to this right. Labor organizers and leaders may not be removed from their positions during the period of time or under the conditions in which they exercise their leadership functions. However, Articles 23 and 95 of the Constitution, which provide for freedom of association, are contradicted by Article 293, which gives the National Electoral Council the authority to administer the internal elections of labor confederations. This article is in violation of the Government's commitments to ILO Conventions 87 and 98 and has been the subject of a long-running dispute between the Government and the ILO.

The ILO repeatedly expressed concerns that the 1990 Labor Code violates freedom of association by requiring a high number of workers (100 workers) to form self-employed workers' trade unions and a high number of employers to form employer trade unions (10 employers). The ILO noted that the long and detailed list of duties assigned to workers' and employers' organizations and the requirement that foreign workers must be resident in the country for more than 10 years in order to hold trade union offices also violates freedom of association.

Despite ILO objections, the Government continued to insist on the CNE's oversight authority for labor leadership elections. However, in practice CNE authorities took a broad interpretation of the requirement, allowing the individual union and federation elections to proceed uninterrupted under the authority of the CTV, and generally limiting its activities to an advisory role.

In June the Government, labor, and business representatives participated in the annual ILO Conference. Although the Government pondered accrediting someone other than Ortega to represent labor, the Supreme Court ruled that Ortega was the proper representative. The Committee on the Application of Conventions and Recommendations criticized the country for its violations for the second year in a row. The Government responded that labor law reform was under debate in the National Assembly.

The Labor Code mandates registration of unions with the Ministry of Labor, but it limits the Ministry's discretion by specifying that registration may not be denied if the proper documents (a record of the founding meeting, the statutes, and membership list) are submitted. Only a judge may dissolve a union, and only for reasons listed in the law.

The law also prohibits employers from interfering in the formation of unions or in their activities and from stipulating as a condition of employment that new workers must abstain from union activity or must join a specified union. The Constitution prohibits measures that "alter the sanctity and progressiveness" of labor rights and worker benefits, declares labor rights to be irrevocable, and provides that ambiguities regarding the application or interpretation of norms are to be applied in the manner most favorable to the worker.

Ministry of Labor inspectors hear complaints regarding violations of these regulations and traditionally impose a maximum fine of twice the monthly minimum wage for a first infraction. Under the Constitution, union officials have special protection from dismissal. Under the 1990 Labor Code, if a judge determines that any worker was fired for union activity, the worker is entitled to back pay plus either reinstatement or payment of a substantial sum of money, which varies according to the worker's seniority.

Approximately 10 to 12 percent of the 10-million-member national labor force were unionized. One major union confederation (the CTV), three small union confederations, and a number of independent unions operated freely. The CTV represented most of the unionized workers and was especially strong in the public sector; its membership was approximately 900,000 workers. The CTV's top leadership included members of several political parties, but the majority affiliated with one of the traditional parties, Democratic Action (AD) or the Christian Democrats (COPEI). The CTV and the AD traditionally influenced each other. The Bolivarian Workers Force (FBT) tried to organize unions within the CTV and participated in the CTV internal elections held in October 2001.

There were no restrictions on affiliation with international labor organizations, and many union organizations were active internationally; however, a November 2000 Supreme Court ruling regarding the legal rights of NGOs that receive funding from foreign sources has the potential to restrict the international affiliations of union organizers (*see* Section 2.b.).

b. The Right to Organize and Bargain Collectively.—According to the Constitution, all public and private sector workers have the right to voluntary collective bar-

gaining and to arrive at collective bargaining agreements, without any additional requirements other than those established by the law. The Constitution provides that the Government is to ensure development of collective bargaining and to establish conditions favorable to collective relationships and the resolution of labor conflicts. The 1990 Labor Code stipulates that employers must negotiate a collective contract with the union that represents the majority of their workers. The ILO repeatedly expressed concerns that this provision restricts freedom of association and in March 2000 requested that the Government amend it so that "in cases where no union organization represents an absolute majority of workers, minority organizations may jointly negotiate a collective agreement on behalf of their members." The Code contains a provision stating that wages may be raised by administrative decree, provided that the legislature approves the decree.

During the year, the conflict between the Government and the CTV intensified, with the labor confederation participating in both a national work stoppage in December 2001, several massive antigovernment demonstrations, and the general strike in April that led to the brief overthrow of President Chavez. The national work stoppage that contributed to Chavez's brief downfall began with a protest at the state oil concern PDVSA after Chavez fired the company's board of directors. This led to sympathy strikes at several PDVSA outlets and culminated with the CTV convoking a national work stoppage. After the second day of the stoppage, the CTV called a general strike on April 10, but it did so as a consensus of its executive committee without consulting the rank-and-file. CTV President Ortega went into hiding for a brief period after President Chavez returned to power. Meanwhile, he and the CTV's Executive Committee—four progovernment labor leaders have refused to take their seats—has become increasingly committed to Chavez's removal from office.

In October 2001, the CTV elected Carlos Ortega Secretary General. Both sides lodged numerous protests of fraud, but the Chavez government, which had endorsed FBT candidate Artistobulo Isturiz, claimed massive fraud had decided the election and refused to recognize Ortega as the winner. Ortega continued to occupy the office without the official election certification by the CNE. The lack of recognition prevented government-labor dialog on issues such as the minimum wage and collective contract negotiations.

The Constitution and the 1990 Labor Code recognize the right of all public and private sector workers to strike in accordance with conditions established by labor law. However, public servants may strike only if the strike does not cause "irreparable damage to the population or to institutions." Replacement workers are not permitted during legal strikes. The 1990 Labor Code allows the President to order public or private sector strikers back to work and to submit their dispute to arbitration if the strike "puts in immediate danger the lives or security of all or part of the population." During the year, most strikes were brief and occurred among government employees such as petroleum workers, health workers in public hospitals and clinics, teachers, and transportation workers.

In August Caracas subway workers struck for 1 day to protest their collective contract, which expired 3 years ago. This strike was resolved when the Ministry of Labor offered the workers a bonus of nearly $6,000 per worker. The Ministry did not initiate talks to negotiate a new contract. Shortly thereafter, workers of the state-owned aluminum company also struck to protest their contract, expecting a similar settlement. In all, more than 600 collective contracts required renegotiation.

Labor law and practice are the same in the sole export processing zone, located in Punto Fijo, Falcon state, as in the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The 1990 Labor Code states that no one may "obligate others to work against their will," and such practices generally were not known to occur. Apart from the general prohibition of compulsory labor, the law does not prohibit specifically forced and bonded labor by children, and such practices generally were not known to occur; however, there were reports of trafficking in children for employment purposes (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The 1990 Labor Code and the Tutelary Law for Minors contain provisions to protect children from exploitation in the workplace. The Ministry of Labor and the National Institute for Minors enforce child labor policies effectively in the formal sector of the economy but less so in the informal sector, in which an estimated 1.1 million children worked. According to UNICEF, approximately 2.5 percent of children were in the labor market, and they worked in agriculture, as artisans, in offices, and in the services sector.

The 1990 Labor Code allows children between the ages of 12 and 14 to work only if the National Institute for Minors or the Labor Ministry grants special permission.

It states that children between the ages of 14 and 16 may not work without the permission of their legal guardians. Minors may not work in mines or smelting factories; in occupations that risk life or health, or could damage intellectual or moral development; or in public spectacles. The Constitution prohibits adolescents from working in jobs that will affect their development.

Those under 16 years of age may by law work no more than 6 hours per day or 30 hours per week. Minors under the age of 18 may work only between 6 a.m. and 7 p.m. The estimated 1.2 million children who worked in the informal sector, mostly as street vendors, generally worked more hours than the total permitted under the law. A 1996 survey of working children found that half of the children worked both morning and afternoon, and 64.5 percent worked 6 or 7 days a week. The Government's Central Office of Statistics and Information reported that 12 percent of the country's children between the ages of 10 and 17 were working, had worked at some time, or were seeking work. Of that number, approximately 70 percent work in the informal sector of the economy.

e. Acceptable Conditions of Work.—The Constitution provides workers with the right to a salary that is sufficient to allow them to live with dignity, and provides them and their families with the right to basic material, social, and intellectual necessities. The Constitution obliges the State to provide public and private sector workers with an annually adjusted minimum wage, using the cost of the basic basket of necessities as a reference point. Under the 1990 Labor Code, minimum wage rates are set by administrative decree, which the legislature may suspend or ratify but may not change. The law excludes only domestic workers and concierges from coverage under the minimum wage decrees. In July the Government raised the minimum wage for public and private employees by 10 percent. Following the increase, the monthly minimum wage at present exchange rates is $163 (190,080 bolivars) in the private sector for urban workers, $150 (174,240 bolivars) for employees of small and medium-sized companies, and $150 (174,072 bolivars) for rural workers. The increase applied only to those already earning the minimum wage-approximately 15 percent of the labor force. Total take-home pay in the private sector, the product of a presidential decree, was at least equal to that received by public sector minimum wage workers. Fringe benefits that were added to these minimum figures generally increased wages by about one-third. However, even with these benefits, the minimum wage was not sufficient to provide a decent standard of living for a worker and family. Unions noted that a worker's income was often less than the cost of basic monthly food for a family of five, estimated by the Government's Central Office of Statistics and Information. The basic basket, which includes medical care, transportation, clothing, and housing, in addition to food, totaled $828 (960,000 bolivars) for August. The Ministry of Labor enforced minimum wage rates effectively in the formal sector of the economy, but approximately one-half of the population works in the informal sector where labor laws and protections generally were not enforced.

The Constitution stipulates that the workday may not exceed 8 hours daily or 44 hours weekly and that night work may not exceed 7 hours daily or 35 hours weekly. Managers are prohibited from obligating employees to work additional overtime, and workers have the right to weekly time away from work and annual paid vacations. Some unions, such as the petroleum workers' union, have negotiated a 40-hour week. Overtime may not exceed 2 hours daily, 10 hours weekly, or 100 hours annually, and may not be paid at a rate less than time-and-one-half. The Ministry of Labor effectively enforced these standards in the formal sector.

The Constitution provides for secure, hygienic, and adequate working conditions; however, the authorities have not yet promulgated regulations to implement the 1986 Health and Safety Law, which was not enforced. The delay is due largely to concern that the law provides penal sanctions against management when violations of health and safety occur and that there is ambiguity in the law over what constitutes a violation. The Labor Code states that employers are obligated to pay specified amounts (up to a maximum of 25 times the minimum monthly salary) to workers for accidents or occupational illnesses, regardless of who is responsible for the injury.

The Code also requires that workplaces maintain "sufficient protection for health and life against sickness and accidents," and it imposes fines ranging from one-quarter to twice the minimum monthly salary for first infractions. However, in practice Ministry of Labor inspectors seldom closed unsafe job sites. Under the law, workers may remove themselves from dangerous workplace situations without jeopardy to continued employment.

f. Trafficking in Persons.—The Constitution prohibits trafficking in persons; however, there is no implementing law specifically for prosecution of all forms of traf-

ficking in persons, and trafficking was a problem. Trafficking may be prosecuted under laws against forced disappearance and kidnaping (punishable by 2 to 4 years' imprisonment) and, in the case of children, under the 2000 Organic Law to Protect Children and Adolescents (which carries a penalty of 1 to 10 months in jail for trafficking in children). There were reports that the country was a source, destination and transit country for trafficked men, women, and children during the year. However, no figures were available from either government or NGO sources, and it was difficult to gauge the extent of the problem. The authorities showed little awareness of the problem of trafficking in persons. An underdeveloped legal framework, corruption among immigration authorities, and the ease with which fraudulent Venezuelan passports, identity cards, and birth certificates were obtained created favorable conditions for trafficking. However, there were no reports or evidence of involvement in trafficking by government officials, and the Government took steps to reduce corruption among immigration officials by replacing immigration inspectors at the Simon Bolivar International Airport in Maiquetia.

There were reports that women were trafficked to Spain for purposes of prostitution. There also were reports that children from other South American countries, especially Ecuador, were trafficked to work in Caracas as street vendors and housemaids. In October a smuggling ring was discovered in which children from Equador were smuggled through the country to their waiting parents in the U.S. Chinese nationals trafficked to the U.S. via countries bordering Venezuela transitted the country. The Ombudsman's office continues to investigate whether some of the children separated from their parents in the December 1999 flooding in Vargas state may have been trafficked. It also was believed widely that young women were lured from rural areas to urban centers by misleading newspaper advertisements promising domestic or other employment and educational opportunities; they then became victims of sexual exploitation. Organized criminal groups, possibly including Colombian drug traffickers, Ecuadorian citizens, and Chinese mafia groups, reportedly were behind some of these trafficking activities.

The Government did not prosecute any individuals for trafficking in persons during the year. Government efforts to prevent and prosecute trafficking, which were rare, are the responsibility of the Public Prosecutor's Family Protection Directorate and the National Institutes for Women and Minors. Female victims of trafficking have recourse to the Government's national system of women's shelters (*see* Section 5). NGOs such as CECODAP and the Coalition Against Trafficking in Women also were involved in activities to combat trafficking. There were no efforts or surveys planned or underway to document the extent and nature of trafficking in the country. However, in January the Government did provide some assistance to apparent victims of trafficking from various West African countries who landed on the coast of Sucre state. The group claimed that it had been abandoned at sea by a Turkish cargo ship that, for a fee, had brought them from Africa to find work in an undetermined country.

APPENDIXES

APPENDIX A

NOTES ON PREPARATION OF THE COUNTRY REPORTS

The annual Country Reports on Human Rights Practices are based on information available from a wide variety of sources, including U.S. and foreign government officials, victims of human rights abuse, academic and congressional studies, and reports from the press, international organizations, and nongovernmental organizations (NGOs) concerned with human rights. We find particularly helpful, and make reference in the reports to, the role of NGOs, ranging from groups within a single country to those that concern themselves with human rights worldwide. While much of the information that we use is already public, information on particular abuses frequently cannot be attributed, for obvious reasons, to specific sources.

By law we must submit the Country Reports to Congress by February 25. To comply with this requirement, we provide guidance to U.S. diplomatic missions in July for submission of draft reports in September and October, which we update at year's end as necessary. Other offices in the Department of State provide contributions, and the Bureau of Democracy, Human Rights, and Labor prepares a final draft. Because of the preparation time required, it is possible that yearend developments may not be reflected fully. We make every effort to include reference to major events or significant changes in trends.

We have attempted to make the reports as comprehensive, objective, and uniform as possible in both scope and quality of coverage. We have paid particular attention to attaining a high standard of consistency in the reports despite the multiplicity of sources and the obvious problems associated with varying degrees of access to information, structural differences in political and social systems, and differing trends in world opinion regarding human rights practices in specific countries.

Evaluating the credibility of reports of human rights abuses often is difficult. With the exception of some terrorist organizations, most opposition groups and certainly most governments deny that they commit human rights abuses and usually go to great lengths to conceal any evidence of such acts. There are often few eyewitnesses to specific abuses, and they frequently are intimidated or otherwise prevented from reporting what they know. On the other hand, individuals and groups opposed to a particular government sometimes have powerful incentives to exaggerate or fabricate abuses, and some governments similarly distort or exaggerate abuses attributed to opposition groups. We have made every effort to identify those groups, for example, government forces or terrorists, that are believed, based on all the evidence available, to have committed human rights abuses. Where credible evidence is lacking, we have tried to indicate why it is not available. Many governments that profess to oppose human rights abuses in fact secretly order or tacitly condone them or simply lack the will or the ability to control those responsible for them. Consequently, in judging a government's policy, the reports look beyond statements of policy or intent and examine what a government has done to prevent human rights abuses, including the extent to which it investigates, brings to trial, and appropriately punishes those who commit such abuses.

To increase uniformity, the introduction of each country's report contains a brief setting that provides the context for reviewing its human rights performance. A description of the political framework and the role of security agencies in human rights is followed by a brief paragraph on the economy. The introduction concludes with an overview of human rights developments during the calendar year that mentions specific areas (for example, torture, freedom of speech and of the press, discrimination) where abuses and problems occurred.

We have continued the effort from previous years to expand coverage of human rights problems affecting women, children, persons with disabilities, and indigenous people in the reports. The appropriate section of each country report discusses any abuses that are targeted specifically against women (for example, rape or other violence perpetrated by governmental or organized opposition forces, or discriminatory

laws or regulations). In Section 5, we discuss socioeconomic discrimination; societal violence against women, children, persons with disabilities, or ethnic minorities; and the efforts, if any, of governments to combat these problems.

The following notes on specific section headings in each country report are not meant to be comprehensive descriptions of each subject but to provide an overview of the key issues covered and to show the overall organization of subjects:

Arbitrary or Unlawful Deprivation of Life.—Includes killings in which there is evidence of government involvement without due process of law or of political motivation by government or by opposition groups. Also covers extrajudicial killings (for example, the deliberate, illegal, or excessive use of lethal force by the police, security forces, or other agents of the State), as well as killings committed by police or security forces that resulted in the unintended death of persons without due process of law (for example, mistargeted bombing or shelling or killing of bystanders). Excludes combat deaths and killings by common criminals, if the likelihood of political motivation can be ruled out (see also "Internal Conflicts" below). Although mentioned briefly here, deaths in detention due to official negligence are covered in detail in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment."

Disappearance.—Covers cases in which political motivation appears likely and in which the victims have not been found or perpetrators have not been identified. Cases eventually classed as political killings in which the bodies of those missing are discovered also are covered in the above section, while those eventually identified as arrest or detention may be covered under "Arbitrary Arrest, Detention, or Exile."

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Defines torture as an extremely severe form of cruel, inhuman, or degrading treatment or punishment, committed by or at the instigation of government forces or opposition groups, with specific intent of causing extremely severe pain or suffering, whether mental or physical. Concentrates discussion on actual practices, not on whether they fit any precise definition, and includes use of physical and other force that may fall short of torture but which is cruel, inhuman, or degrading. Covers prison conditions, including information based on international standards, and deaths in prison due to negligence by government officials.

Arbitrary Arrest, Detention, or Exile.—Covers cases in which detainees, including political detainees, are held in official custody without being charged or, if charged, are denied a public preliminary judicial hearing within a reasonable period. Also discusses whether, and under what circumstances, governments exile citizens.

Denial of Fair Public Trial.—Describes briefly the court system and evaluates whether there is an independent judiciary and whether trials are both fair and public (failure to hold any trial is noted in the section above). Includes discussion of "political prisoners" (political detainees are covered above), defined as those convicted and imprisoned essentially for political beliefs or nonviolent acts of dissent or expression, regardless of the actual legal charge.

Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Discusses the "passive" right of the individual to noninterference by the State. Includes the right to receive foreign publications, for example, while the right to publish is discussed under "Freedom of Speech and Press." Includes the right to be free from coercive population control measures, including coerced abortion and involuntary sterilization but does not include cultural or traditional practices, such as female genital mutilation, which are addressed in Section 5.

Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—An optional section for use in describing abuses that occur in countries experiencing significant internal armed conflict. Includes indiscriminate, nonselective killings arising from excessive use of force, for example, by police in putting down demonstrations, or by the shelling of villages (deliberate, targeted killing is discussed in the section on "Arbitrary or Unlawful Deprivation of Life"). Also includes abuses against civilian noncombatants. For countries where use of this section would be inappropriate, that is, where there is no significant internal conflict, lethal use of excessive force by security forces is discussed in the section on "Arbitrary or Unlawful Deprivation of Life"; nonlethal excessive force is discussed in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment."

Freedom of Speech and Press.—Evaluates whether these freedoms exist and describes any direct or indirect restrictions. Includes discussion of academic freedom.

Freedom of Peaceful Assembly and Association.—Evaluates the ability of individuals and groups (including political parties) to exercise these freedoms. Includes the ability of trade associations, professional bodies, and similar groups to maintain re-

lations or affiliate with recognized international bodies in their fields. The right of labor to associate, organize, and bargain collectively is discussed under the section on "Worker Rights" (see Appendix B).

Freedom of Religion.—Discusses whether the Constitution or laws provide for the right of citizens of any religious belief to worship free of government interference and whether the government generally respects that right. Includes the freedom to publish religious documents in foreign languages; addresses the treatment of foreign clergy and whether religious belief or lack thereof affects membership in a ruling party, a career in government, or ability to obtain services and privileges available to other citizens.

Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Includes discussion of forced resettlement; "refugees" may refer to persons displaced by civil strife or natural disaster as well as persons who are "refugees" within the meaning of the Refugee Act of 1980, that is, persons with a "well-founded fear of persecution" in their country of origin or, if stateless, in their country of habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion.

Respect for Political Rights: The Right of Citizens to Change Their Government.—Discusses the extent to which citizens have freedom of political choice and have the legal right and ability in practice to change the laws and officials that govern them. Assesses whether elections are free and fair.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.—Discusses whether the government permits the free functioning of local human rights groups (including the right to investigate and publish their findings on alleged human rights abuses) and whether they are subject to reprisal by government or other forces. Also discusses whether the government grants access to and cooperates with outside entities (including foreign human rights organizations, international organizations, and foreign governments) interested in human rights developments in the country.

Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status.—Contains a subheading on Women, Children, and Persons with Disabilities. As appropriate also includes subheadings on *Indigenous People*, *Religious Minorities*, and *National/Racial/Ethnic Minorities*. Discrimination against other groups is discussed in the introductory paragraph(s) of the section. Addresses discrimination and abuses not discussed elsewhere in the report, focusing on laws, regulations, or state practices that are inconsistent with equal access to housing, employment, education, health care, or other governmental benefits for members of specific groups. (Abuses by government or opposition forces, such as killing, torture and other violence, or restriction of voting rights or free speech targeted against specific groups would be discussed under the appropriate preceding sections.) Discusses societal violence against women, e.g., "dowry deaths," "honor killings," wife beating, rape, female genital mutilation, and government tolerance of such under the subheading on women. Discusses the extent to which the law provides for, and the government enforces, equality of economic opportunity for women. Discusses violence or other abuse against children under that subheading. Discusses the extent to which persons with disabilities, including persons with mental illness, are subject to discrimination in, among other things, employment, education, and the provision of other government services.

Worker Rights.—See Appendix B.

APPENDIX B

REPORTING ON WORKER RIGHTS

The 1984 Generalized System of Preferences Renewal Act requires reporting on worker rights in GSP beneficiary countries. It states that internationally recognized worker rights include: "(A) the right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health." All five aspects of worker rights are discussed in each country report under the section heading "Worker Rights." An additional subsection, listed as (F), addresses trafficking in persons. The discussion of worker rights considers not only laws and regulations but also their practical implementation and takes into account the following additional guidelines:

A. *The Right of Association* has been defined by the International Labor Organization (ILO) to include the right of workers and employers to establish and join organizations of their own choosing without previous authorization; to draw up their own constitutions and rules, elect their representatives, and formulate their programs; to join in confederations and affiliate with international organizations; and to be protected against dissolution or suspension by administrative authority.

The right of association includes the right of workers to strike. While strikes may be restricted in essential services, the interruption of which would endanger the life, personal safety, or health of a significant portion of the population, and in the public sector, these restrictions must be offset by adequate safeguards for the interests of the workers concerned (for example, mechanisms for mediation and arbitration, due process, and the right to judicial review of legal actions). Reporting on restrictions on the ability of workers to strike generally includes information on any procedures that may exist for safeguarding workers' interests.

B. *The Right to Organize and Bargain Collectively* includes the right of workers to be represented in negotiating the prevention and settlement of disputes with employers, the right to protection against interference, and the right to protection against acts of antiunion discrimination. Governments should promote mechanisms for voluntary negotiations between employers and workers and their organizations. Coverage of the right to organize and bargain collectively includes a review of the extent to which collective bargaining takes place and the extent to which unions, both in law and practice, effectively are protected against antiunion discrimination.

C. *Forced or Compulsory Labor* is defined as work or service exacted under the menace of penalty and for which a person has not volunteered. "Work or service" does not apply where obligations are imposed to undergo education or training. "Menace of penalty" includes loss of rights or privileges as well as penal sanctions. The ILO has exempted the following from its definition of forced labor: compulsory military service, normal civic obligations, certain forms of prison labor, emergencies, and minor communal services. Forced labor should not be used as a means of: (1) mobilizing and using labor for purposes of economic development; (2) racial, social, national, or religious discrimination; (3) political coercion or education, or as a punishment for holding or expressing political or ideological views opposed to the established political, social, or economic system; (4) labor discipline; or (5) as a punishment for having participated in strikes. Constitutional provisions concerning the obligation of citizens to work do not violate this right so long as they do not take the form of legal obligations enforced by sanctions and are consistent with the principle of "freely chosen employment."

D. *Minimum Age for Employment of Children* concerns the effective abolition of child labor by raising the minimum age for employment to a level consistent with the fullest physical and mental development of young people. ILO Convention 182 on the "worst forms of child labor," which had been ratified by 113 countries by the end of the year, identifies anyone under the age of 18 as a child and specifies certain types of employment as "the worst forms of child labor." These worst forms of labor include slavery, debt bondage, forced labor, forced recruitment into armed conflict,

child prostitution and pornography, involvement in illicit activity such as drug production or trafficking, and "work which, by its nature, or the circumstances in which it is carried out, is likely to harm the health, safety or morals or children." ILO Convention 182 permits the employment of children between the ages of 16 and 18 in what the convention describes as an "unhealthy environment," if adequate protective measures have been taken.

E. *Acceptable Conditions of Work* refers to the establishment and maintenance of mechanisms, adapted to national conditions, that provide for minimum working standards, that is: wages that provide a decent living for workers and their families; working hours that do not exceed 48 hours per week, with a full 24-hour rest day; a specified number of annual paid leave days; and minimum conditions for the protection of the safety and health of workers. Differences in the levels of economic development are taken into account in the formulation of internationally recognized labor standards. For example, many ILO standards concerning working conditions permit flexibility in their scope and coverage. They also may permit governments a wide choice in their implementation, including progressive implementation, by enabling them to accept a standard in part or subject to specified exceptions. Governments are expected to take steps over time to achieve the higher levels specified in such standards. However, this flexibility applies only to internationally recognized standards concerning working conditions. The ILO permits no flexibility in the acceptance of the basic human rights standards, that is, freedom of association, the right to organize and bargain collectively, the prohibition of forced labor, and the absence of discrimination.

F. *Trafficking In Persons* is defined as all acts involving the recruitment, harboring, transportation, provision, or obtaining of a person (man, woman, or child) for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Sex trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age. Reporting describes any legal prohibitions against trafficking; the extent to which the government enforces these prohibitions; the extent and nature of trafficking in persons to, from, or within the country, other geographic regions or countries affected by the traffic; the participation, facilitation, involvement or complicity of any government agents in trafficking; and aid or protection available to victims.

APPENDIX C—International Human Rights Conventions

[See the footnotes for a key to the International Human Rights Conventions listed here.]

Country	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
Afghanistan	P	—	—	P	—	P	P	P	—	P	P	P	P	P	P	—	—	—	—	—	—	S	P	P
Albania*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Algeria	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	—	P	P	P	P	P	P	P
Andorra	—	—	—	—	—	P	P	—	P	—	—	—	S	S	—	—	—	—	—	—	—	P	S	P
Angola	—	P	P	—	P	P	P	—	—	P	—	P	—	P	P	P	P	—	P	P	—	P	—	P
Antigua & Barbuda	P	P	P	P	P	P	P	—	—	1	P	P	P	—	—	P	P	—	P	P	P	P	P	P
Argentina	—	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Armenia	—	—	—	P	—	P	P	—	P	—	—	—	P	P	P	P	P	—	—	P	P	P	P	P
Australia	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Austria	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Azerbaijan	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	—	P	—	—	P	P	P
Bahamas	P	P	P	P	P	P	P	—	—	P	P	P	P	—	—	P	P	—	P	P	P	P	—	P
Bahrain	P	P	—	P	—	P	P	—	—	—	P	P	P	—	—	—	—	—	—	P	P	P	P	P
Bangladesh	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	—	—	—	—	P	P	P	P	P
Barbados	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	—	—	P	P	P	P	P	—	P
Belarus	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Belgium	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Belize	1	P	P	P	P	P	P	—	—	—	1	P	P	P	S	P	P	—	P	P	P	P	P	P
Benin	2	P	P	—	P	P	P	—	—	—	—	P	P	P	P	P	P	—	P	P	P	P	P	P
Bhutan*	—	—	—	—	—	P	P	—	—	—	—	—	S	—	—	—	—	—	—	—	—	P	—	P
Bolivia	P	—	P	S	P	P	P	P	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Bosnia & Herz.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Botswana	1	P	P	—	P	P	P	—	—	—	1	P	P	P	—	P	P	—	P	P	P	P	P	P
Brazil	P	P	—	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Brunei*	1	—	—	—	—	P	P	—	—	—	1	—	—	—	—	—	—	—	—	P	P	—	—	P
Bulgaria	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Burkina Faso	—	P	P	P	P	P	P	P	—	—	—	P	P	P	P	P	P	—	P	P	P	P	P	P
Burma	P	P	P	P	—	P	P	S	—	S	—	—	—	—	—	—	—	—	—	—	—	P	—	P
Burundi	—	P	P	P	P	P	P	—	—	P	—	P	P	P	P	P	P	—	P	P	P	P	P	P
Cambodia	—	P	P	P	P	P	P	—	—	S	P	P	P	P	P	P	P	—	P	P	P	P	P	P

APPENDIX C—International Human Rights Conventions—Continued

[See the footnotes for a key to the International Human Rights Conventions listed here.]

Country	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
Cameroon	P	P	P	—	P	P	P	P	—	—	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Canada	P	—	P	P	—	P	P	—	—	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Cape Verde	—	P	P	—	P	P	P	—	—	—	—	P	P	P	P	—	P	—	—	P	P	P	P	P
Cen. African Rep.	2	P	P	—	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	—	P
Chad	—	P	P	—	P	P	P	—	—	—	—	P	P	P	P	P	P	—	—	P	P	P	P	P
Chile	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
China	2	—	—	P	—	P	P	—	—	P	—	—	P	S	P	P	P	—	P	P	P	P	P	P
Hong Kong	P	—	—	P	—	—	—	—	—	P	—	—	P	—	—	—	—	—	—	—	—	P	P	P
Macau to 12–19–99	—	—	—	P	—	—	—	P	—	—	P	—	P	P	P	P	P	—	—	—	—	P	P	P
Macau from 12–20–99	—	—	—	P	—	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—	—	P	—
China	—	—	—	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
(Taiwan only)*	P	—	—	P	—	—	—	—	—	P	P	—	P	S	S	—	—	—	—	—	—	—	—	—
Colombia	S	P	P	P	P	P	P	—	—	P	—	P	P	P	P	P	P	P	P	P	P	P	P	P
Comoros	—	P	P	—	P	P	P	—	—	—	—	P	S	—	—	—	—	—	—	P	P	P	S	P
"Congo, Dem. Rep. of"	—	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
"Congo, Republic of"	2	P	P	—	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	—	P
Cook Islands	—	—	—	—	—	P	P	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—
Costa Rica	—	P	P	P	P	P	P	—	—	P	—	P	P	P	P	P	P	P	P	P	P	P	P	P
Cote D'Ivoire	2	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Croatia	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Cuba	P	P	P	P	P	P	P	P	—	P	P	P	P	—	—	—	—	—	P	P	P	P	P	P
Cyprus	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Czech Republic	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Denmark	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P
Djibouti	—	P	P	—	P	P	P	P	—	—	P	P	—	P	P	P	P	—	—	P	P	P	P	P
Dominica	P	P	P	—	P	P	P	—	—	1	P	P	—	P	P	P	P	P	P	P	P	P	P	—
Dom. Republic	S	P	P	S	P	P	P	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	S	P
Ecuador	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Egypt	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
El Salvador	—	P	—	P	—	P	P	—	—	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P

Equatorial Guinea	—	P	P	—	P	P	P	—	—	—	—	P	P	P	P	P	P	—	P	P	P	P	P	P
Eritrea	—	P	P	—	P	P	P	—	—	—	—	P	P	P	P	—	—	—	P	—	—	P	—	P
Estonia	2	P	P	P	P	P	P	—	P	—	—	P	P	P	P	P	P	—	—	P	P	P	P	P
Ethiopia	P	—	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Fiji	P	P	P	P	P	P	P	—	—	P	P	P	P	—	—	P	P	—	P	—	—	P	—	P
Finland	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
France	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Gabon	—	P	P	P	P	P	P	—	—	P	—	P	P	P	P	P	P	—	—	P	P	P	P	P
Gambia	1	P	P	P	P	P	P	—	—	—	1	P	P	P	P	P	P	—	P	P	P	P	S	P
Georgia	—	P	P	P	P	P	P	—	P	—	—	P	P	P	P	P	P	—	P	P	P	P	P	P
Germany	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Ghana	2	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Greece	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Grenada	1	P	P	1	P	P	P	—	—	1	1	P	S	P	P	—	—	P	—	P	P	P	—	P
Guatemala	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Guinea	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Guinea-Bissau	—	P	—	—	P	P	P	—	—	—	—	P	S	S	P	P	P	—	—	P	P	P	S	P
Guyana	1	P	P	—	P	P	P	—	—	—	1	P	P	P	P	—	—	—	P	P	P	P	P	P
Haiti	2	P	P	P	P	P	P	P	—	P	P	P	P	P	—	P	P	P	—	—	—	P	—	P
Holy See	—	—	—	—	—	P	P	—	—	—	—	—	P	—	—	P	P	—	—	P	P	—	P	P
Honduras	—	P	P	P	P	P	P	P	—	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P
Hungary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Iceland	—	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
India	P	P	—	P	—	P	P	P	—	P	P	P	P	P	P	—	—	—	—	—	—	P	S	P
Indonesia	—	P	P	—	P	P	P	—	—	P	—	P	P	—	—	—	—	—	P	—	—	P	P	P
Iran	S	P	—	P	—	P	P	S	—	—	P	P	P	P	P	P	P	—	—	S	—	—	S	P
Iraq	P	P	—	P	P	P	P	P	—	—	P	P	P	P	P	—	—	—	P	—	—	P	—	P
Ireland	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Israel	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	—	—	P	P	P
Italy	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Jamaica	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	P	—	P	P	P	—	P
Japan	—	P	P	—	P	P	P	P	—	P	—	—	P	P	P	P	P	—	P	—	—	P	P	P
Jordan	P	P	—	P	P	P	P	P	—	P	P	P	P	P	P	—	—	—	P	P	P	P	P	P
Kazakhstan	—	P	P	P	P	P	P	—	—	P	—	P	P	—	—	P	P	—	P	P	P	P	P	P
Kenya	—	P	—	—	P	P	P	—	—	—	—	P	P	P	P	P	P	—	P	P	P	P	P	P
Kiribati*	1	P	P	—	P	P	P	—	—	1	1	P	—	1	1	—	1	—	—	—	—	—	—	P

APPENDIX C—International Human Rights Conventions—Continued

[See the footnotes for a key to the International Human Rights Conventions listed here.]

Country	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
Korea, Dem. Rep. of*	—	—	—	P	—	P	P	—	—	—	—	—	—	P	P	—	—	—	—	P	—	P	—	P
Korea, Rep. of	—	—	—	P	—	P	P	P	—	P	—	—	P	P	P	P	P	—	P	P	P	P	P	P
Kuwait	P	P	P	P	—	P	P	P	—	—	P	P	P	P	P	—	—	—	P	P	P	P	P	P
Kyrgyzstan	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Laos	—	P	—	P	—	P	P	P	—	P	P	—	P	S	S	—	—	—	—	P	P	P	—	P
Latvia	2	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Lebanon	2	P	—	P	P	P	P	—	—	P	—	P	P	P	P	—	—	—	—	P	P	P	P	P
Lesotho	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Liberia	P	P	P	P	P	P	P	S	—	S	S	P	P	S	S	P	P	—	—	P	P	P	—	P
Libya	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	—	—	—	P	P	P	P	P	P
Liechtenstein*	—	—	—	P	—	P	P	—	P	—	—	—	P	P	P	P	P	—	—	P	P	P	P	P
Lithuania	S	P	P	P	P	P	P	—	P	—	—	P	P	P	P	P	P	—	P	P	P	P	P	P
Luxembourg	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Macedonia, F.Y.R.O.	2	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	—	P	P	P	P	P	P
Madagascar	P	P	P	—	P	P	P	S	—	P	P	—	P	P	—	—	P	P	P	P	P	P	S	P
Malawi	P	P	P	—	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Malaysia	—	P	—	P	P	P	P	—	—	—	P	—	—	—	—	—	—	—	P	—	—	P	—	P
Maldives*	—	—	—	P	—	P	P	—	—	—	—	—	P	—	—	—	—	—	—	P	P	P	—	P
Mali	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Malta	P	P	P	—	P	P	P	—	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Marshall Islands*	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Mauritania	P	P	P	—	P	P	P	P	—	P	P	P	P	—	—	P	P	—	P	P	P	P	—	P
Mauritius	P	P	—	—	P	P	P	—	—	P	P	P	P	P	P	—	—	—	P	P	P	P	P	P
Mexico	P	P	P	P	—	P	P	P	—	P	P	P	P	P	P	P	P	P	—	P	—	P	P	P
Micronesia*	—	—	—	—	—	P	P	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	P
Moldova	—	P	P	P	P	P	P	—	P	P	—	P	P	P	P	P	P	—	P	P	P	P	P	P
Monaco*	P	—	—	P	—	P	P	—	—	—	—	—	P	P	P	P	—	—	—	P	P	—	P	P
Mongolia	P	—	P	P	P	P	P	—	—	P	P	—	P	P	P	—	—	—	—	P	P	P	P	P
Morocco	P	P	—	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	S	S	P	P	P
Mozambique	—	—	P	P	P	P	P	—	—	—	—	P	P	—	P	P	—	—	P	P	P	P	P	P

Namibia	—	P	P	P	P	P	P	—	—	—	—	P	P	P	P	P	—	—	P	P	P	P	P	P
Nauru*	—	—	—	—	—	—	—	—	—	—	—	—	S	S	—	—	—	—	—	—	—	—	S	P
Nepal	P	P	—	P	P	P	P	P	—	P	P	—	P	P	P	—	—	—	P	—	—	P	P	P
Netherlands	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
New Zealand	P	P	—	P	—	P	P	—	—	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Nicaragua	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	S	P
Niger	P	P	P	—	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Nigeria	P	P	P	—	P	P	P	—	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Niue	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Norway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Oman*	—	P	—	—	—	P	P	—	—	—	—	—	P	—	—	—	—	—	—	P	P	—	—	P
Pakistan	P	P	P	P	P	P	P	P	—	P	P	P	P	—	—	—	—	—	—	S	S	P	—	P
Palau	—	—	—	—	—	P	P	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	P
Panama	S	P	P	P	P	P	P	—	—	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P
Papua New Guinea	P	P	P	P	P	P	P	—	—	P	—	P	P	—	—	P	P	—	P	—	—	P	—	P
Paraguay	—	P	P	P	P	P	P	—	—	P	—	P	S	P	P	P	P	P	—	P	P	P	P	P
Peru	—	P	P	P	P	P	P	—	—	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P
Philippines	P	—	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	S	P	P	P	P
Poland	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Portugal	2	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Qatar	—	P	—	—	—	P	P	—	—	—	—	—	P	—	—	—	—	—	—	P	—	—	P	P
Romania	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Russia	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Rwanda	—	P	P	P	P	P	P	—	—	—	—	P	P	P	P	P	P	—	P	P	P	P	—	P
Samoa*	—	—	—	—	—	P	P	—	—	—	—	—	—	—	—	P	P	—	—	P	P	P	—	P
San Marino	—	P	P	—	P	P	P	—	P	—	P	P	P	P	P	—	—	—	P	P	P	—	S	P
Sao Tome & Principe	—	—	P	—	P	P	P	—	—	—	—	—	S	S	S	P	P	—	—	P	P	S	S	P
Saudi Arabia	P	P	—	P	—	P	P	—	—	—	P	P	P	—	—	—	—	—	—	P	P	P	P	P
Senegal	2	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Serbia & Montenegro	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—
Seychelles	2	P	P	P	P	P	P	P	—	1	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Sierra Leone	P	P	P	—	P	P	P	—	—	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Singapore	—	P	—	P	P	P	P	P	—	—	P	—	—	—	—	—	—	—	—	—	—	P	—	P
Slovak Republic	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Slovenia	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Solomon Islands	P	P	—	—	—	P	P	—	—	P	P	—	1	—	1	P	P	—	—	P	P	P	—	P

APPENDIX C—International Human Rights Conventions—Continued

[See the footnotes for a key to the International Human Rights Conventions listed here.]

Country	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
Somalia	—	P	—	—	—	P	P	—	—	—	—	P	P	P	P	P	—	—	—	—	—	P	P	S
South Africa*	P	P	P	P	P	P	P	P	—	S	—	P	P	P	S	P	P	—	P	P	P	P	P	P
Spain	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Sri Lanka	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P	—	—	—	P	—	—	P	P	P
St. Kitts & Nevis*	1	P	P	—	P	P	P	—	—	1	1	P	—	—	—	P	—	—	—	P	P	P	—	P
St. Lucia	P	P	P	1	P	P	P	—	—	1	P	P	P	—	—	—	—	—	—	P	P	P	—	P
St. Vincent*	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	—	—	—	P	P	P	P	P
Sudan	P	P	—	—	P	P	P	—	—	—	P	P	P	P	P	P	P	—	—	—	—	—	S	P
Suriname	2	P	P	—	P	P	P	—	—	1	P	P	P	P	P	P	P	P	—	P	P	P	—	P
Swaziland	1	P	P	—	P	P	P	—	—	P	1	P	P	—	—	P	P	—	P	P	P	—	—	P
Sweden	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P
Switzerland	P	P	P	P	P	P	P	—	P	—	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Syria	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P	—	—	—	P	P	—	—	—	P
Tajikistan*	—	P	P	—	P	P	P	P	—	P	—	P	P	P	P	P	P	—	P	P	P	P	P	P
Tanzania	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	—	P	P	P	P	—	P
Thailand	—	P	—	—	—	P	P	—	—	P	—	P	P	P	P	—	—	—	—	—	—	P	—	P
Togo	2	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Tonga*	1	—	—	P	—	P	P	—	—	1	1	1	P	—	—	—	—	—	—	P	P	—	—	P
Trinidad & Tobago	P	P	P	—	P	P	P	—	—	P	P	P	P	P	P	P	P	P	—	P	P	P	—	P
Tunisia	P	P	P	P	P	P	P	—	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Turkey	P	P	P	P	P	P	P	—	P	P	P	P	P	S	S	P	P	—	P	—	—	P	P	P
Turkmenistan	P	P	P	—	P	P	P	—	—	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Tuvalu*	1	—	—	—	—	P	P	—	—	1	1	—	—	1	—	P	P	—	—	—	—	P	—	P
Uganda	P	P	—	P	P	P	P	—	—	P	P	P	P	P	P	P	P	—	—	P	P	P	P	P
Ukraine	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
United Arab Emir.	—	P	—	—	—	P	P	—	—	—	—	P	P	—	—	—	—	—	P	P	P	—	—	P
United Kingdom	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
United States	P	—	—	P	—	P	P	—	—	P	P	P	P	P	S	—	P	S	—	S	S	S	P	S
Uruguay	P	P	P	P	P	P	P	—	—	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Uzbekistan	—	P	—	P	P	P	—	—	P	—	P	P	P	P	—	—	—	—	P	P	P	P	P	P

Vanuatu*	—	—	—	—	—	P	P	—	—	—	1	—	—	—	—	—	—	—	—	P	P	P	—	P
Venezuela	—	P	P	P	P	P	P	P	—	P	—	P	P	P	P	—	P	P	P	P	P	P	P	P
Vietnam*	P	—	—	P	—	P	P	—	—	—	—	—	P	P	P	—	—	—	—	P	—	P	—	P
Yemen	P	P	P	P	P	P	P	P	—	P	—	P	P	P	P	P	P	—	P	P	P	P	P	P
Yugoslavia	P	P	P	P	P	P	P	P	—	P	P	—	P	P	P	P	P	—	P	P	P	P	P	P
Zambia	P	P	P	—	P	P	P	—	—	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P
Zimbabwe	1	P	—	P	P	P	P	P	—	P	P	P	P	P	P	P	P	—	P	P	P	P	—	P

P = Party S = Signatory * designates a non-ILO member
1 = Based on general declaration concerning treaty obligations prior to independence.
2 = Party to 1926 Convention only.

Key to Human Rights Conventions: **A**—Slavery **B**—ILO Convention 29 **C**—ILO Convention 87 **D**— Genocide **E**—ILO Convention 98 **F**—Prisoners of War **G**—Civilians in War **H**—Traffic in Persons **I**—European HR Conv. **J**—Pol. Rights of Women **K**—Suppl. Slavery Conv. **L**—ILO Convention 105 **M**—Racial Discrimination **N**—Civil and Pol. Rights **O**—Econ./Soc./Cul. Rights **P**—UN Refugee Convention **Q**—UN Refugee Protocol **R**—American HR Conv. **S**—ILO Convention 138 **T**—Geneva Protocol I **U**—Geneva Protocol II **V**—Disc. Against Women **W**—Torture **X**—Rights of the Child

APPENDIX D

INTERNATIONAL HUMAN RIGHTS CONVENTIONS

A. Convention to Suppress the Slave Trade and Slavery of September 25,1926, as amended by the Protocol of December 7, 1953.

B. Convention Concerning Forced Labor of June 28, 1930 (ILO Convention 29).

C. Convention Concerning Freedom of Association and Protection of the Right to Organize of July 9, 1948 (ILO Convention 87).

D. Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948.

E. Convention Concerning the Application of the Principles of the Right to Organize and Bargain Collectively of July 1, 1949 (ILO Convention 98).

F. Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

G. Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

H. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of March 21, 1950.

I. European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950.

J. Convention on the Political Rights of Women of March 31, 1953.

K. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956.

L. Convention Concerning the Abolition of Forced Labor of June 25, 1957 (ILO Convention 105).

M. International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965.

N. International Covenant on Civil and Political Rights of December 16, 1966.

O. International Covenant on Economic, Social and Cultural Rights of December 16, 1966.

P. Convention Relating to the Status of Refugees of July 28, 1951.

Q. Protocol Relating to the Status Of Refugees of January 31, 1967.

R. American Convention on Human Rights of November 22, 1969.

S. Convention Concerning Minimum Age for Admission to Employment of June 26, 1973 (ILO Convention 138).

T. Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), of June 8, 1977.

U. Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), of June 8, 1977.

V. Convention on the Elimination of All Forms of Discrimination Against Women of December 18, 1979.

W. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.

X. Convention on the Rights of the Child of November 20, 1989.

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries (‘Spigots’)
FY 2002
($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Africa															
Africa Crisis Response Training	—	—	—	—	—	—	—	—	—	—	15,000	—	—	15,000	—
Africa Regional	44,233	63,660	—	—	—	—	7,500	—	—	—	—	—	—	115,393	46,394
Africa Regional Fund	—	—	49,000	—	—	—	—	—	—	—	—	—	—	49,000	—
Africa Regional Peacekeeping	—	—	—	—	—	—	—	—	—	—	39,905	—	—	39,905	—
African Development Bank	—	—	—	—	—	—	—	—	—	—	—	—	5,100	5,100	—
African Development Foundation	—	—	—	—	—	—	—	—	—	—	—	—	16,542	16,542	—
African Development Fund	—	—	—	—	—	—	—	—	—	—	—	—	100,000	100,000	—
Agriculture Initiative	—	5,000	—	—	—	—	—	—	—	—	—	—	—	5,000	—
Angola	6,056	5,118	—	—	—	—	—	—	2,870	—	—	—	—	14,044	31,616
Anti-Corruption Initiative	—	300	—	—	—	—	—	—	—	—	—	—	—	300	—
ATA Regional–Africa	—	—	—	—	—	—	—	—	2,639	—	—	—	—	2,639	—
Benin	7,743	8,982	—	—	—	502	—	—	—	2,280	—	—	—	19,507	4,687
Botswana	—	—	—	1,000	—	692	—	—	—	215	—	—	—	1,907	—
Burkina Faso	—	—	—	—	—	—	—	—	—	1,824	—	—	—	1,824	10,345
Burundi	400	4,200	—	—	—	—	—	—	—	—	—	—	—	4,600	2,496
Cameroon	—	—	—	—	—	193	—	—	—	2,861	—	—	—	3,054	284
Cape Verde	—	—	—	—	—	146	—	—	—	1,258	—	—	—	1,404	3,774
Central African Republic	—	—	—	—	—	128	—	—	—	—	—	—	—	128	760
Chad	—	—	—	—	—	216	—	—	350	—	—	—	—	566	3,743
Cote d’Ivoire	—	—	—	—	—	—	—	—	—	2,952	—	—	—	2,952	—
Countries in Transition	—	—	40,000	—	—	—	—	—	—	—	—	—	—	40,000	—
Democratic Republic of Congo	21,178	4,773	—	—	—	—	—	—	—	—	—	—	—	25,951	11,555
Djibouti	—	—	—	1,500	—	163	—	—	404	—	—	—	—	2,067	1,059
Education for Development and Democracy	—	5,000	15,000	—	—	—	—	—	—	—	—	—	—	20,000	—
Education Initiative	—	10,000	—	—	—	—	—	—	—	—	—	—	—	10,000	—
Eritrea	5,350	5,558	—	250	—	340	—	—	1,602	—	—	—	—	13,100	5,564
Ethiopia	23,057	20,200	—	2,250	—	445	—	—	1,275	—	—	—	—	47,227	58,423
Gabon	—	—	—	—	—	157	—	—	—	2,085	—	—	—	2,242	—
Gambia	—	—	—	—	—	48	—	—	—	1,674	—	—	—	1,722	136
Ghana	18,655	15,963	—	400	—	482	—	—	—	2,465	—	—	—	37,965	12,407
Guinea	6,700	15,442	—	—	—	266	—	—	103	2,478	—	—	—	24,989	6,818
Guinea-Bissau	—	—	—	—	—	69	—	—	—	—	—	—	—	69	1,298
Kenya	27,563	13,547	—	15,000	—	486	—	—	—	3,205	—	—	—	59,801	17,682
Lesotho	—	—	—	—	—	96	—	—	—	1,978	—	—	—	2,074	—
Liberia	1,600	3,725	—	—	—	—	—	—	—	—	—	—	—	5,325	5,643

Madagascar	8,725	10,540	—	—	—	208	—	—	—	2,000	—	—	—	21,473	8,503
Malawi	15,540	13,829	—	—	—	385	—	—	—	2,242	—	—	—	31,996	13,699
Mali	14,488	21,688	—	—	—	342	—	—	—	2,741	—	—	—	39,259	1,355
Mauritania	—	—	—	—	—	130	—	—	—	1,733	—	—	—	1,863	3,213
Mauritius	—	—	—	—	—	93	—	—	—	—	—	—	—	93	—
Mozambique	17,677	22,438	—	—	—	153	—	—	2,259	1,494	—	—	—	44,021	18,448
MRA Africa	—	—	—	—	—	—	—	187,500	—	—	—	—	—	187,500	—
Namibia	1,850	8,183	—	—	—	208	—	—	65	1,762	—	—	—	12,068	—
Niger	—	—	—	—	—	132	—	—	—	2,202	—	—	—	2,334	10,214
Nigeria	36,066	21,968	—	6,000	—	750	—	—	1,449	—	—	—	—	66,233	—
REDSO/ESA	9,475	15,859	—	—	—	—	—	—	—	—	—	—	—	25,334	—
Regional Center for South Africa	—	20,117	—	—	—	—	—	—	—	—	—	—	—	20,117	—
Regional Organizations	—	—	4,000	—	—	—	—	—	—	—	—	—	—	4,000	—
Republic of the Congo	—	—	—	—	—	140	—	—	—	—	—	—	—	140	—
Rwanda	12,100	6,402	—	—	—	—	—	—	350	—	—	—	—	18,852	14,498
Safe Skies	—	—	3,000	—	—	—	—	—	—	—	—	—	—	3,000	—
Sao Tome and Principe	—	—	—	—	—	112	—	—	—	—	—	—	—	112	—
Senegal	15,005	13,950	—	400	—	931	—	—	92	3,001	—	—	—	33,379	1,790
Seychelles	—	—	—	—	—	40	—	—	—	—	—	—	—	40	—
Sierra Leone	841	6,413	9,000	—	—	177	—	—	—	—	—	—	—	16,431	24,355
Somalia	500	2,267	—	—	—	—	—	—	1,200	—	—	—	—	3,967	19,729
South Africa	20,404	37,304	—	6,700	—	1,471	—	—	—	2,152	—	—	—	68,031	—
Sudan	500	10,631	—	—	—	—	—	—	—	—	—	—	—	11,131	60,190
Swaziland	—	—	—	—	—	84	—	—	—	—	—	—	—	84	—
Tanzania	16,700	8,108	—	—	—	275	—	—	—	2,652	—	—	—	27,735	4,827
Togo	—	—	—	—	—	83	—	—	—	2,143	—	—	—	2,226	—
Uganda	33,650	24,724	—	—	—	—	—	—	—	1,119	—	—	—	59,493	22,591
West Africa Regional	19,473	10,773	—	—	—	—	—	—	—	—	—	—	—	30,246	1,173
Zambia	30,700	14,822	—	—	—	189	—	—	816	2,859	—	—	—	49,386	8,060
Zimbabwe	6,450	2,512	—	—	—	—	—	—	—	339	—	—	—	9,301	25,522
Total Africa	422,679	453,996	120,000	33,500	—	10,332	7,500	187,500	15,474	53,714	54,905	—	121,642	1,481,242	462,851
East Asia and the Pacific															
ATA Regional–East Asia and the Pacific	—	—	—	—	—	—	—	—	5,472	—	—	—	—	5,472	—
Burma	—	—	6,500	—	—	—	—	—	—	—	—	—	—	6,500	—
Cambodia	15,000	—	20,000	—	—	—	—	—	2,290	—	—	—	—	37,290	1,085
China	—	—	—	—	—	—	—	—	—	1,595	—	—	—	1,595	—
China Rule of Law	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
East Asia and Pacific Environmental Initiative	—	—	3,500	—	—	—	—	—	—	—	—	—	—	3,500	—
East Timor	—	—	25,000	1,000	—	43	—	—	—	612	7,103	—	—	33,758	—
Indonesia	35,568	38,704	50,000	—	—	405	4,000	—	8,000	—	—	—	—	136,677	5,670
KEDO	—	—	—	—	—	—	—	—	90,500	—	—	—	—	90,500	—
Kiribati	—	—	—	—	—	—	—	—	—	1,037	—	—	—	1,037	—

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2002—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Laos	1,000	1,000	—	—	—	—	4,200	—	1,328	—	—	—	—	7,528	513
Malaysia	—	—	—	—	—	831	—	—	150	—	—	—	—	981	—
Micronesia	—	—	—	—	—	—	—	—	—	1,735	—	—	—	1,735	—
Mongolia	—	—	12,000	2,000	—	686	—	—	—	1,710	—	—	—	16,396	—
MRA East Asia	—	—	—	—	—	—	—	15,625	—	—	—	—	—	15,625	—
Papua New Guinea	—	—	—	—	—	206	—	—	—	—	—	—	—	206	—
Philippines	25,599	24,459	33,000	44,000	—	2,025	—	—	95	2,169	—	—	—	131,347	—
Regional Democracy	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
Regional Security Fund	—	—	250	—	—	—	—	—	—	—	—	—	—	250	—
Regional Women's Issues	—	—	4,000	—	—	—	—	—	—	—	—	—	—	4,000	—
Samoa	—	—	—	—	—	113	—	—	—	1,212	—	—	—	1,325	—
Solomon Islands	—	—	—	—	—	146	—	—	—	28	—	—	—	174	—
South Pacific Fisheries	—	—	14,000	—	—	—	—	—	—	—	—	—	—	14,000	—
Thailand	1,000	750	—	1,300	—	1,748	4,000	—	720	1,267	—	—	—	10,785	—
Tonga	—	—	—	—	—	115	—	—	—	1,043	—	—	—	1,158	—
Vanuatu	—	—	—	—	—	95	—	—	—	1,212	—	—	—	1,307	—
Vietnam	4,106	6,950	—	—	—	—	—	—	1,520	—	—	—	—	12,576	—
Total East Asia and the Pacific	82,273	71,863	178,250	48,300	—	6,413	12,200	15,625	110,075	13,620	7,103	—	—	545,722	7,268
Europe and Eurasia															
Albania	—	—	—	4,000	—	866	—	—	450	—	—	35,250	—	40,566	—
Armenia	—	—	—	4,000	90,200	75	—	—	1,800	1,417	—	—	—	97,492	911
ATA Regional–Europe and Eurasia	—	—	—	—	—	—	—	—	19,666	—	—	—	—	19,666	—
Azerbaijan	—	—	—	4,000	43,510	377	—	—	4,880	—	1,000	—	—	53,767	2,239
Belarus	—	—	—	—	10,572	—	—	—	—	—	—	—	—	10,572	—
Bosnia and Herzegovina	—	—	—	2,250	—	800	—	—	—	—	—	65,005	—	68,055	—
Bulgaria	—	—	—	8,500	—	1,212	—	—	1,390	2,158	—	34,100	—	47,360	—
Croatia	—	—	—	5,000	—	593	—	—	40	—	—	44,000	—	49,633	—
Cyprus	—	—	15,000	—	—	—	—	—	55	—	—	—	—	15,055	—
Czech Republic	—	—	—	10,000	—	1,800	—	—	200	—	—	—	—	12,000	—
Estonia	—	—	—	6,250	—	1,036	—	—	268	373	—	—	—	7,927	—
European Bank for Reconstruction and Development	—	—	—	—	—	—	—	—	—	—	—	—	35,779	35,779	—
Federal Republic of Yugoslavia	—	—	—	—	—	—	—	—	—	—	—	165,000	—	165,000	1,738
Georgia	—	—	—	31,000	89,807	889	—	—	1,100	1,182	340	—	—	124,318	—
Greece	—	—	—	—	—	499	—	—	—	—	—	—	—	499	—

Hungary	—	—	—	10,000	—	1,789	—	—	240	—	—	—	—	12,029	—
International Fund for Ireland	—	—	25,000	—	—	—	—	—	—	—	—	—	—	25,000	—
Irish Visa Program	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
Kazakhstan	—	—	—	4,750	47,315	893	—	—	2,655	2,254	—	—	—	57,867	—
Kosovo	131	—	—	—	—	—	—	—	—	—	—	118,000	—	118,131	—
Kyrgyz Republic	—	—	—	11,000	71,989	600	—	—	—	1,063	—	—	—	84,652	—
Latvia	—	—	—	6,250	—	1,047	—	—	1,113	363	—	—	—	8,773	—
Lithuania	—	—	—	6,593	—	1,019	—	—	748	362	—	—	—	8,722	—
Macedonia	—	—	—	10,500	—	579	—	—	180	341	—	49,506	—	61,106	—
Malta	—	—	—	1,000	—	295	—	—	119	—	—	—	—	1,414	—
Moldova	—	—	—	1,250	35,946	889	—	—	—	1,757	—	—	—	39,842	—
MRA Europe	—	—	—	—	—	—	—	81,520	—	—	—	—	—	81,520	—
NIS Regional Export Controls	—	—	—	—	—	—	—	—	500	—	—	—	—	500	—
OSCE Bosnia	—	—	—	—	—	—	—	—	—	—	20,022	—	—	20,022	—
OSCE Croatia	—	—	—	—	—	—	—	—	—	—	2,900	—	—	2,900	—
OSCE Kosovo	—	—	—	—	—	—	—	—	—	—	15,400	—	—	15,400	—
OSCE Regional–Europe	—	—	—	—	—	—	—	—	—	—	12,275	—	—	12,275	—
Poland	—	—	—	12,000	—	1,891	—	—	300	—	—	—	—	14,191	—
Portugal	—	—	—	—	—	720	—	—	—	—	—	—	—	720	—
Regional FSA	—	—	—	—	68,681	—	—	—	—	—	—	—	—	68,681	—
Regional SEED	—	—	—	—	—	—	—	—	—	—	—	74,139	—	74,139	—
Romania	—	—	—	9,000	—	1,356	—	—	1,336	3,178	—	36,000	—	50,870	—
Russia	—	—	—	—	159,083	—	—	—	1,500	3,734	—	—	—	164,317	—
Science Centers/Bio Redirection	—	—	—	—	—	—	—	—	67,000	—	—	—	—	67,000	—
Slovakia	—	—	—	7,750	—	845	—	—	407	616	—	—	—	9,618	—
Slovenia	—	—	—	4,000	—	827	—	—	350	—	—	—	—	5,177	—
Tajikistan	—	—	—	3,700	56,372	259	—	—	7,500	—	—	—	—	67,831	26,227
Turkey	—	—	200,000	48,000	—	2,756	—	—	2,200	—	—	—	—	252,956	—
Turkmenistan	—	—	—	—	11,398	388	—	—	7,000	893	—	—	—	19,679	—
Ukraine	—	—	—	4,000	154,937	1,638	—	—	800	4,252	1,000	—	—	166,627	—
Uzbekistan	—	—	— 36,207	118,190	880	—	— 4,300	828	—	—	—	—			
											160,405				
Total Europe and Eurasia	131	—	245,000	251,000	958,000	26,818	—	81,520	128,097	24,771	52,937	621,000	35,779	2,425,053	31,115
Near East															
Algeria	—	—	—	—	— 67	—	—	—	—	—	—	— 67	2,009		
ATA Regional–Near East Asia	—	—	—	—	—	—	—	—	11,272	—	—	—	—	11,272	—
Bahrain	—	—	—	28,500	—	395	—	—	—	—	—	—	—	28,895	—
Egypt	—	—	655,000	1,300,000	—	1,217	—	—	50	—	—	—	—	1,956,267	3,839
Iraq Opposition	—	—	25,000	—	—	—	—	—	—	—	—	—	—	25,000	—
Israel	—	—	720,000	2,040,000	—	—	—	—	28,000	—	—	—	—	2,788,000	—
Jordan	—	—	250,000	100,000	—	2,012	—	—	1,595	1,597	—	—	—	355,204	—
Lebanon	—	600	35,000	—	—	568	—	—	1,200	—	—	—	—	37,368	—
Middle East Democracy	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
Middle East Multilaterals	—	—	3,000	—	—	—	—	—	—	—	—	—	—	3,000	—

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2002—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Middle East Partnership Initiative	—	—	20,000	—	—	—	—	—	—	—	—	—	—	20,000	—
Middle East Regional Cooperation	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
Morocco	4,600	5,766	—	3,500	—	1,041	—	—	—	2,718	—	—	—	17,625	—
MRA Near East	—	—	—	—	—	—	—	102,900	—	—	—	—	—	102,900	—
MRA Refugees to Israel	—	—	—	—	—	—	—	60,000	—	—	—	—	—	60,000	—
Multinational Force and Observers	—	—	—	—	—	—	—	—	—	—	16,015	—	—	16,015	—
Oman	—	—	—	25,000	—	481	—	—	515	—	—	—	—	25,996	—
Saudi Arabia	—	—	—	—	—	24	—	—	30	—	—	—	—	54	—
Tunisia	—	—	—	3,500	—	1,013	—	—	—	—	—	—	—	4,513	—
U.S. North Africa Economic Partnership	—	—	4,000	—	—	—	—	—	—	—	—	—	—	4,000	—
United Arab Emirates	—	—	—	—	—	—	—	—	350	—	—	—	—	350	—
West Bank/Gaza	—	—	72,000	—	—	—	—	—	—	—	—	—	—	72,000	—
Yemen	—	—	8,000	20,000	—	488	—	—	800	—	—	—	—	29,288	395
Total Near East	4,600	6,366	1,802,000	3,520,500	—	7,306	—	162,900	43,812	4,315	16,015	—	—	5,567,814	6,243
South Asia															
Afghanistan	29,000	10,701	105,250	57,256	—	—	66,000	—	43,434	—	23,949	—	191,000	526,590	159,472
ATA Regional–South Asia	—	—	—	—	—	—	—	—	6,882	—	—	—	—	6,882	—
Bangladesh	39,950	21,670	3,000	—	—	648	—	—	—	581	—	—	—	65,849	23,974
India	41,678	29,200	7,000	—	—	1,012	—	—	800	—	—	—	—	79,690	93,679
Maldives	—	—	—	—	—	125	—	—	—	—	—	—	—	125	—
MRA South Asia	—	—	—	—	—	—	—	146,600	—	—	—	—	—	146,600	—
Nepal	20,000	7,597	3,000	14,000	—	377	—	—	—	2,111	—	—	—	47,085	2,352
Pakistan	14,000	10,000	624,500	75,000	—	894	90,500	—	10,100	—	220,000	—	—	1,044,994	5,134
South Asia Regional Funds	—	—	3,500	—	—	—	—	—	—	—	—	—	—	3,500	—
Sri Lanka	300	5,150	3,000	—	—	259	—	—	—	—	—	—	—	8,709	1,325
Total South Asia	144,928	84,318	749,250	146,256	—	3,315	156,500	146,600	61,216	2,692	243,949	—	191,000	1,930,024	285,936
Western Hemisphere															
Administration of Justice	—	—	8,663	—	—	—	—	—	—	—	—	—	—	8,663	—
Argentina	—	—	—	1,000	—	1,025	—	—	—	—	—	—	—	2,025	—
ATA Regional–Western Hemisphere	—	—	—	—	—	—	—	—	2,531	—	—	—	—	2,531	—
Bahamas	—	—	—	100	—	144	1,200	—	—	—	—	—	—	1,444	—
Belize	—	—	—	200	—	212	—	—	—	1,464	—	—	—	1,876	—

Bolivia	19,690	12,853	10,000	500	—	712	87,600	—	—	2,922	—	—	—	134,277	19,566
Brazil	9,150	4,799	—	—	—	437	6,000	—	—	—	—	—	—	20,386	—
Caribbean Regional	3,550	—	—	—	—	—	—	—	—	—	—	—	—	3,550	—
Centers for Educational Excellence	—	—	7,000	—	—	—	—	—	—	—	—	—	—	7,000	—
Central American Regional	4,000	15,792	—	—	—	—	—	—	—	—	—	—	—	19,792	—
Chile	—	—	—	500	—	570	—	—	—	—	—	—	—	1,070	—
Colombia	—	—	—	—	—	1,180	379,900	—	25,000	—	—	—	—	406,080	—
Costa Rica	—	—	—	—	—	389	—	—	—	899	—	—	—	1,288	—
Cuba	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
Dominican Republic	9,532	6,450	2,300	350	—	527	—	—	—	3,121	—	—	—	22,280	—
Eastern Caribbean	—	—	10,800	2,000	—	672	—	—	—	2,019	—	—	—	15,491	—
Ecuador	—	6,840	15,000	3,000	—	625	25,000	—	370	2,813	—	—	—	53,648	1,530
El Salvador	15,653	45,640	25,200	1,000	—	814	—	—	—	2,463	—	—	—	90,770	—
Guatemala	15,700	12,320	10,000	—	—	350	3,500	—	—	4,255	—	—	—	46,125	21,502
Guyana	1,000	3,100	—	200	—	294	—	—	—	1,083	—	—	—	5,677	—
Haiti	638	250	30,000	300	—	14	—	—	—	1,504	91	—	—	32,797	23,128
Honduras	13,177	15,430	1,000	—	—	655	—	—	—	4,081	—	—	—	34,343	6,436
Inter-American Foundation	—	—	—	—	—	—	—	—	—	—	—	—	13,107	13,107	—
Inter-American Investment Corporation	—	—	—	—	—	—	—	—	—	—	—	—	18,000	18,000	—
Jamaica	3,121	9,471	1,532	600	—	586	1,550	—	—	2,242	—	—	—	19,102	—
LAC Regional	9,434	39,910	—	—	—	—	—	—	—	—	—	—	—	49,344	—
Latin America Regional	—	—	—	—	—	—	10,000	—	—	—	—	—	—	10,000	—
Mexico	5,509	7,715	10,000	—	—	944	37,000	—	—	—	—	—	—	61,168	—
MRA Western Hemisphere	—	—	—	—	—	—	—	13,723	—	—	—	—	—	13,723	—
Nicaragua	8,470	16,602	2,800	500	—	372	—	—	—	2,639	—	—	—	31,383	15,136
OAS Development Assistance Programs	—	—	—	—	—	—	—	—	—	—	—	—	5,500	5,500	—
OAS Fund for Strengthening Democracy	—	—	—	—	—	—	—	—	—	—	—	—	2,500	2,500	—
OAS/IADB Demining	—	—	—	—	—	—	—	—	1,695	—	—	—	—	1,695	—
Panama	—	4,500	4,205	—	—	178	5,000	—	—	2,299	—	—	—	16,182	—
Paraguay	2,525	3,600	3,500	—	—	360	—	—	—	3,228	—	—	—	13,213	—
Peru	23,666	14,969	14,500	—	—	518	142,500	—	225	848	—	—	—	197,226	37,035
Peru-Ecuador Peace	—	—	4,500	—	—	—	—	—	—	—	—	—	—	4,500	—
Suriname	—	—	—	150	—	147	—	—	—	843	—	—	—	1,140	—
Trinidad and Tobago	—	—	—	300	—	132	—	—	—	—	—	—	—	432	—
Uruguay	—	—	—	1,000	—	464	—	—	—	—	—	—	—	1,464	—
Venezuela	—	—	500	—	—	500	5,000	—	—	—	—	—	—	6,000	—
WHA Regional Border Control	—	—	—	—	—	—	4,000	—	—	—	—	—	—	4,000	—
Total Western Hemisphere	144,815	220,241	166,500	11,700	—	12,821	708,250	13,723	29,821	38,723	91	—	39,107	1,385,792	124,333
Global															
Asia Regional	—	—	—	—	—	—	5,050	—	—	—	—	—	—	5,050	—
Asia-Near East Regional	16,226	46,769	—	—	—	—	—	—	—	—	—	—	—	62,995	—

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2002—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Asian Development Fund	—	—	—	—	—	—	—	—	—	—	—	—	98,017	98,017	—
ATA Program Management	—	—	—	—	—	—	—	—	13,247	—	—	—	—	13,247	—
ATA WMD Preparedness Program	—	—	—	—	—	—	—	—	2,000	—	—	—	—	2,000	—
CT Engagement w/Allies	—	—	—	—	—	—	—	—	3,000	—	—	—	—	3,000	—
CTBT International Monitoring System	—	—	—	—	—	—	—	—	16,566	—	—	—	—	16,566	—
Debt Restructuring	—	—	—	—	—	—	—	—	—	—	—	—	229,000	229,000	—
Demining Administrative Expenses	—	—	—	—	—	—	—	—	500	—	—	—	—	500	—
Demining Crosscutting Initiatives	—	—	—	—	—	—	—	—	3,962	—	—	—	—	3,962	—
Demining Mine Surveys	—	—	—	—	—	—	—	—	3,284	—	—	—	—	3,284	—
Demining Research and Training	—	—	—	—	—	—	—	—	600	—	—	—	—	600	—
Democracy, Conflict & Humanitarian Assistance	25,893	66,269	—	—	—	—	—	—	—	—	—	—	—	92,162	—
Development Credit Program–Admin. Exp.	—	—	—	—	—	—	—	—	—	—	—	—	7,500	7,500	—
DSCA Administrative Costs	—	—	—	2,000	—	—	—	—	—	—	—	—	—	2,000	—
E–IMET Schools	—	—	—	—	—	2,600	—	—	—	—	—	—	—	2,600	—
Economic Growth, Agriculture and Trade	—	182,297	—	—	—	—	—	—	—	—	—	—	—	182,297	—
Enhanced International Peacekeeping Capabilities	—	—	—	4,000	—	—	—	—	—	—	—	—	—	4,000	—
Export Control Program Administration	—	—	—	—	—	—	—	—	445	—	—	—	—	445	—
Export Control Regional Advisors	—	—	—	—	—	—	—	—	2,580	—	—	—	—	2,580	—
Export-Import Bank–Administrative Expenses	—	—	—	—	—	—	—	—	—	—	—	—	63,000	63,000	—
Export-Import Bank–Direct Loans, Negative Subsidies	—	—	—	—	—	—	—	—	—	—	—	—	(25,000)	(25,000)	—
Export-Import Bank–Loan Subsidy	—	—	—	—	—	—	—	—	—	—	—	—	727,323	727,323	—
FMF Administrative Costs	—	—	—	35,000	—	—	—	—	—	—	—	—	—	35,000	—
General Costs	—	—	—	—	—	395	—	—	—	—	—	—	—	395	—
Global Development Alliance	—	20,000	—	—	—	—	—	—	—	—	—	—	—	20,000	—
Global Environment Facility	—	—	—	—	—	—	—	—	—	—	—	—	100,500	100,500	—
Global Health	322,766	3,714	—	—	—	—	—	—	—	—	—	—	—	326,480	—
Human Rights and Democracy Funds	—	—	13,000	—	—	—	—	—	—	—	—	—	—	13,000	—
INL Anticrime Programs	—	—	—	—	—	—	20,330	—	—	—	—	—	—	20,330	—

International Atomic Energy Agency Voluntary Contribution	—	—	—	—	—	—	—	—	50,000	—	—	—	—	50,000	—
International Civil Aviation Organization	—	—	—	—	—	—	—	—	—	—	—	—	300	300	—
International Conservation Programs	—	—	—	—	—	—	—	—	—	—	—	—	7,700	7,700	—
International Contributions for Scientific, Educational, and Cultural Activities	—	—	—	—	—	—	—	—	—	—	—	—	1,750	1,750	—
International Development Association	—	—	—	—	—	—	—	—	—	—	—	—	792,400	792,400	—
International Disaster Assistance	—	—	—	—	—	—	—	—	—	—	—	—	235,500	235,500	—
International Fund for Agricultural Development	—	—	—	—	—	—	—	—	—	—	—	—	20,000	20,000	—
International Law Enforcement Academies	—	—	—	—	—	—	14,500	—	—	—	—	—	—	14,500	—
International Organizations	—	—	—	—	—	—	13,000	—	—	—	—	—	—	13,000	—
International Organizations/Partnerships	297,500	7,500	—	—	—	—	—	—	—	—	—	—	—	305,000	—
International Panel on Climate Change/UN Framework Convention on Climate Change	—	—	—	—	—	—	—	—	—	—	—	—	7,400	7,400	—
Interregional Aviation Support	—	—	—	—	—	—	60,000	—	—	—	—	—	—	60,000	—
Montreal Protocol Multilateral Fund	—	—	—	—	—	—	—	—	—	—	—	—	25,000	25,000	—
MRA Administrative Expenses	—	—	—	—	—	—	—	16,000	—	—	—	—	—	16,000	—
MRA Migration	—	—	—	—	—	—	—	15,132	—	—	—	—	—	15,132	—
MRA Multiregional Activities	—	—	—	—	—	—	—	56,000	—	—	—	—	—	56,000	—
MRA Refugee Admissions	—	—	—	—	—	—	—	110,000	—	—	—	—	—	110,000	—
Multilateral Investment Guarantee Agency	—	—	—	—	—	—	—	—	—	—	—	—	5,000	5,000	—
Muslim Secondary Exchange Program	—	—	7,000	—	—	—	—	—	—	—	—	—	—	7,000	—
NADR Regional Export Controls	—	—	—	—	—	—	—	—	1,030	—	—	—	—	1,030	—
New Course Development	—	—	—	—	—	—	—	—	4,791	—	—	—	—	4,791	—
Non-Proliferation and Disarmament Fund	—	—	—	—	—	—	—	—	14,000	—	—	—	—	14,000	—
Oceans, Environmental and Science Initiative	—	—	4,000	—	—	—	—	—	—	—	—	—	—	4,000	—
OPCW Volumtary Contribution	—	—	—	—	—	—	—	—	2,000	—	—	—	—	2,000	—
OPIC–Administrative Expenses	—	—	—	—	—	—	—	—	—	—	—	—	38,608	38,608	—
OPIC-Net Offsetting Collections	—	—	—	—	—	—	—	—	—	—	—	—	(259,608)	(259,608)	—
Partnership to Eliminate Sweatshops	—	—	4,000	—	—	—	—	—	—	—	—	—	—	4,000	—
Peace Corps Other	—	—	—	—	—	—	—	—	—	141,065	—	—	—	141,065	—
Policy Initiatives	289	8,437	—	—	—	—	—	—	—	—	—	—	—	8,726	21,675
Prepositioned Stocks	—	—	—	—	—	—	—	—	—	—	—	—	—	—	19,399
Program & Policy Coordination	5,400	6,230	—	—	—	—	—	—	—	—	—	—	—	11,630	—
Program Development and Support	—	—	—	—	—	—	13,000	—	—	—	—	—	—	13,000	—

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2002—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Regional Advisors Training	—	—	—	—	—	—	—	—	200	—	—	—	—	200	—
Regional Narc. Training and Demand Reduction	—	—	—	—	—	—	5,000	—	—	—	—	—	—	5,000	—
Systems Support and Upgrades	—	—	—	—	—	—	6,000	—	—	—	—	—	—	6,000	—
Terrorist Financing	—	—	—	—	—	—	—	—	10,000	—	—	—	—	10,000	—
Terrorist Interdiction Program	—	—	—	—	—	—	—	—	18,000	—	—	—	—	18,000	—
Trade and Development Agency	—	—	—	—	—	—	—	—	—	—	—	—	50,024	50,024	—
Trafficking in Persons	—	—	—	—	—	—	7,670	—	—	—	—	—	—	7,670	—
Transition Initiatives	—	—	—	—	—	—	—	—	—	—	—	—	50,000	50,000	—
Treasury Technical Assistance	—	—	—	—	—	—	—	—	—	—	—	—	9,500	9,500	—
U.S. Emergency Refugee and Migration Assistance Fund	—	—	—	—	—	—	—	—	—	—	—	—	15,000	15,000	—
UN Development Fund for Women	—	—	—	—	—	—	—	—	—	—	—	—	1,000	1,000	—
UN Development Program	—	—	—	—	—	—	—	—	—	—	—	—	97,100	97,100	—
UN Environment Program	—	—	—	—	—	—	—	—	—	—	—	—	10,750	10,750	—
UN Voluntary Fund for Technical Cooperation in the Field of Human Rights	—	—	—	—	—	—	—	—	—	—	—	—	1,500	1,500	—
UN Voluntary Fund for Victims of Torture	—	—	—	—	—	—	—	—	—	—	—	—	5,000	5,000	—
USAID Inspector General Operating Expenses	—	—	—	—	—	—	—	—	—	—	—	—	31,500	31,500	—
USAID Operating Expenses	—	—	—	—	—	—	—	—	—	—	—	—	564,000	564,000	—
USAID Security	—	—	—	—	—	—	—	—	—	—	—	—	2,000	2,000	—
World Food Program	—	—	—	—	—	—	—	—	—	—	—	—	6,000	6,000	—
World Meteorological Organization	—	—	—	—	—	—	—	—	—	—	—	—	2,000	2,000	—
World Trade Organization	—	—	—	—	—	—	—	—	—	—	—	—	1,000	1,000	—
Total Global	668,074	341,216	28,000	41,000	—	2,995	144,550	197,132	146,205	141,065	—	—	2,920,764	4,631,001	41,074
Total FY–2002	1,467,500	1,178,000	3,289,000	4,052,256	958,000	70,000	1,029,000	805,000	534,700	278,900	375,000	621,000	3,308,292	17,966,648	958,820

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries (‘Spigots’)
FY 2003
($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Africa															
Africa Crisis Response Training	—	—	—	—	—	—	—	—	—	—	10,000	—	—	10,000	—
Africa Regional	33,915	102,646	—	—	—	—	7,000	—	—	—	—	—	—	143,561	—
Africa Regional Fund	—	—	32,000	—	—	—	—	—	—	—	—	—	—	32,000	—
Africa Regional Peacekeeping	—	—	—	—	—	—	—	—	—	—	30,000	—	—	30,000	—
African Development Bank	—	—	—	—	—	—	—	—	—	—	—	—	5,104	5,104	—
African Development Foundation	—	—	—	—	—	—	—	—	—	—	—	—	16,542	16,542	—
African Development Fund	—	—	—	—	—	—	—	—	—	—	—	—	118,073	118,073	—
Agriculture Initiative	—	20,000	—	—	—	—	—	—	—	—	—	—	—	20,000	—
Angola	5,400	2,750	—	—	—	100	—	—	3,500	—	—	—	—	11,750	8,004
Anti-Corruption Initiative	—	7,500	—	—	—	—	—	—	—	—	—	—	—	7,500	—
ATA Regional–Africa	—	—	—	—	—	—	—	—	5,296	—	—	—	—	5,296	—
Benin	6,343	7,923	—	—	—	400	—	—	—	2,678	—	—	—	17,344	4,023
Botswana	—	—	—	1,000	—	600	—	—	—	1,209	—	—	—	2,809	—
Burkina Faso	—	—	—	—	—	50	—	—	—	2,509	—	—	—	2,559	10,121
Burundi	500	3,500	—	—	—	50	—	—	—	—	—	—	—	4,050	—
Cameroon	—	—	—	—	—	200	—	—	—	2,996	—	—	—	3,196	—
Cape Verde	—	—	—	—	—	120	—	—	—	1,352	—	—	—	1,472	3,500
Central African Republic	—	—	—	—	—	110	—	—	—	—	—	—	—	110	—
Chad	—	—	—	—	—	130	—	—	350	1,073	—	—	—	1,553	—
Comoros	—	—	—	—	—	50	—	—	—	—	—	—	—	50	—
Cote d’Ivoire	—	—	—	—	—	50	—	—	—	1,244	—	—	—	1,294	—
Countries in Transition	—	—	31,000	—	—	—	—	—	—	—	—	—	—	31,000	—
Democratic Republic of Congo	13,476	10,024	—	—	—	50	—	—	—	—	—	—	—	23,550	—
Djibouti	—	—	—	—	—	185	—	—	250	—	—	—	—	435	—
ECOWAS	—	—	—	—	—	50	—	—	—	—	—	—	—	50	—
Education Initiative	—	22,000	—	—	—	—	—	—	—	—	—	—	—	22,000	—
Equatorial Guinea	—	—	—	—	—	50	—	—	—	—	—	—	—	50	—
Eritrea	5,400	4,619	—	500	—	400	—	—	1,100	—	—	—	—	12,019	1,908
Ethiopia	31,950	18,104	—	500	—	500	—	—	1,000	—	—	—	—	52,054	27,281
Gabon	—	—	—	—	—	160	—	—	—	2,424	—	—	—	2,584	—
Gambia	—	—	—	—	—	50	—	—	—	2,033	—	—	—	2,083	—
Ghana	20,055	18,688	—	500	—	500	—	—	—	2,742	—	—	—	42,485	14,951
Guinea	7,160	15,765	—	—	—	250	—	—	—	2,812	—	—	—	25,987	3,441
Guinea-Bissau	—	—	—	—	—	75	—	—	200	—	—	—	—	275	—
Kenya	33,413	13,280	—	1,500	—	600	—	—	—	3,283	—	—	—	52,076	12,134
Lesotho	—	—	—	—	—	100	—	—	—	2,281	—	—	—	2,381	—

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2003—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Liberia	2,100	3,100	—	—	—	—	—	—	—	—	—	—	—	5,200	1,027
Madagascar	8,493	9,785	—	—	—	170	—	—	—	1,970	—	—	—	20,418	10,732
Malawi	17,480	13,397	—	—	—	360	—	—	—	2,611	—	—	—	33,848	6,290
Mali	13,288	21,340	—	—	—	325	—	—	—	3,538	—	—	—	38,491	—
Mauritania	—	—	—	—	—	100	—	—	200	1,932	—	—	—	2,232	3,493
Mauritius	—	—	—	—	—	100	—	—	—	—	—	—	—	100	—
Military Health Affairs	—	—	—	2,000	—	—	—	—	—	—	—	—	—	2,000	—
Mozambique	21,800	23,692	—	—	—	215	—	—	3,130	2,066	—	—	—	50,903	16,871
MRA Africa	—	—	—	—	—	—	—	187,500	—	—	—	—	—	187,500	—
Namibia	1,900	5,080	—	—	—	200	—	—	90	2,459	—	—	—	9,729	—
Niger	—	—	—	—	—	110	—	—	—	2,527	—	—	—	2,637	6,868
Nigeria	41,356	23,879	—	6,000	—	800	—	—	—	—	—	—	—	72,035	—
REDSO/ESA	9,125	13,163	—	—	—	—	—	—	—	—	—	—	—	22,288	—
Regional Center for South Africa	—	24,731	—	—	—	—	—	—	—	—	—	—	—	24,731	—
Regional Organizations	—	—	6,000	—	—	—	—	—	—	—	—	—	—	6,000	—
Republic of the Congo	—	—	—	—	—	110	—	—	—	—	—	—	—	110	—
Rwanda	12,150	6,023	—	—	—	150	—	—	450	—	—	—	—	18,773	10,978
Safe Skies	—	—	8,000	—	—	—	—	—	—	—	—	—	—	8,000	—
Sao Tome and Principe	—	—	—	—	—	100	—	—	—	—	—	—	—	100	—
Senegal	14,762	13,618	—	500	—	900	—	—	—	3,454	—	—	—	33,234	—
Seychelles	—	—	—	—	—	100	—	—	—	—	—	—	—	100	—
Sierra Leone	468	3,400	—	—	—	250	—	—	200	—	—	—	—	4,318	—
Somalia	200	2,700	—	—	—	—	—	—	1,200	—	—	—	—	4,100	—
South Africa	25,150	36,278	—	6,000	—	1,450	—	—	—	2,622	—	—	—	71,500	—
Sudan	300	22,000	—	—	—	—	—	—	—	—	—	—	—	22,300	—
Swaziland	—	—	—	—	—	100	—	—	—	1,313	—	—	—	1,413	—
Tanzania	22,490	10,446	—	—	—	230	—	—	—	3,041	—	—	—	36,207	—
Togo	—	—	—	—	—	100	—	—	—	2,310	—	—	—	2,410	—
Trade Initiative	—	15,000	—	—	—	—	—	—	—	—	—	—	—	15,000	—
Uganda	38,559	24,385	—	—	—	170	—	—	—	1,410	—	—	—	64,524	15,880
West Africa Regional	19,631	8,018	—	—	—	—	—	—	—	—	—	—	—	27,649	3,190
Zambia	37,404	12,881	—	—	—	225	—	—	700	3,443	—	—	—	54,653	—
Zimbabwe	14,223	1,885	—	—	—	—	—	—	270	—	—	—	—	16,378	—
Total Africa	458,491	541,600	77,000	18,500	—	11,095	7,000	187,500	17,936	63,332	40,000	—	139,719	1,562,173	160,692

East Asia and the Pacific															
ATA Regional–East Asia and the Pacific	—	—	—	—	—	—	—	—	2,366	—	—	—	—	2,366	—
Burma	—	—	6,500	—	—	—	—	—	—	—	—	—	—	6,500	—
Cambodia	22,500	—	17,000	—	—	200	—	—	3,020	—	—	—	—	42,720	—
China	—	—	—	—	—	—	—	—	—	2,104	—	—	—	2,104	—
China Rule of Law	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
East Timor	—	—	19,000	2,000	—	100	—	—	—	1,329	5,000	—	—	27,429	—
Fiji	—	—	—	—	—	100	—	—	—	1,363	—	—	—	1,463	—
Indonesia	32,568	38,704	60,000	—	—	400	—	—	—	—	—	—	—	131,672	10,245
KEDO	—	—	—	—	—	—	—	—	75,000	—	—	—	—	75,000	—
Kiribati	—	—	—	—	—	—	—	—	—	1,182	—	—	—	1,182	—
Laos	1,000	1,000	—	—	—	100	3,000	—	1,200	—	—	—	—	6,300	—
Malaysia	—	—	—	—	—	800	—	—	300	—	—	—	—	1,100	—
Micronesia	—	—	—	—	—	—	—	—	—	1,866	—	—	—	1,866	—
Mongolia	—	—	12,000	1,000	—	725	—	—	—	1,859	—	—	—	15,584	—
MRA East Asia	—	—	—	—	—	—	—	15,500	—	—	—	—	—	15,500	—
Papua New Guinea	—	—	—	—	—	240	—	—	—	—	—	—	—	240	—
Philippines	24,550	26,609	20,000	20,000	—	2,400	—	—	—	2,611	—	—	—	96,170	—
Regional Democracy	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
Regional Security Fund	—	—	250	—	—	—	—	—	—	—	—	—	—	250	—
Regional Women's Issues	—	—	4,000	—	—	—	—	—	—	—	—	—	—	4,000	—
Samoa	—	—	—	—	—	120	—	—	—	1,345	—	—	—	1,465	—
Solomon Islands	—	—	—	—	—	150	—	—	—	27	—	—	—	177	—
South Pacific Fisheries	—	—	18,000	—	—	—	—	—	—	—	—	—	—	18,000	—
Thailand	1,000	2,250	—	2,000	—	1,750	3,750	—	50	1,694	—	—	—	12,494	—
Tonga	—	—	—	—	—	125	—	—	—	1,071	—	—	—	1,196	—
Vanuatu	—	—	—	—	—	100	—	—	—	1,414	—	—	—	1,514	—
Vietnam	4,006	8,450	—	—	—	100	—	—	1,750	—	—	—	—	14,306	—
Total East Asia and the Pacific	85,624	77,013	166,750	25,000	—	7,410	6,750	15,500	83,686	17,865	5,000	—	—	490,598	10,245
Europe and Eurasia															
Albania	—	—	—	5,000	—	900	—	—	490	1,227	—	28,000	—	35,617	—
Armenia	—	—	—	3,000	70,000	750	—	—	2,600	1,535	—	—	—	77,885	—
ATA Regional–Europe and Eurasia	—	—	—	—	—	—	—	—	17,517	—	—	—	—	17,517	—
Azerbaijan	—	—	—	3,000	46,000	750	—	—	3,230	1,223	—	—	—	54,203	—
Belarus	—	—	—	—	9,500	—	—	—	—	—	—	—	—	9,500	—
Bosnia and Herzegovina	—	—	—	2,500	—	900	—	—	30	—	—	50,000	—	53,430	—
Bulgaria	—	—	—	9,500	—	1,350	—	—	730	2,744	—	28,000	—	42,324	—
Croatia	—	—	—	6,000	—	700	—	—	90	—	—	30,000	—	36,790	—
Cyprus	—	—	15,000	—	—	—	—	—	260	—	—	—	—	15,260	—
Czech Republic	—	—	—	11,000	—	1,900	—	—	400	—	—	—	—	13,300	—
Estonia	—	—	—	6,750	—	1,100	—	—	100	—	—	—	—	7,950	—
European Bank for Reconstruction and Development	—	—	—	—	—	—	—	—	—	—	—	—	35,805	35,805	—

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2003—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Federal Republic of Yugoslavia	—	—	—	1,000	—	300	—	—	100	—	—	135,000	—	136,400	—
Georgia	—	—	—	7,000	87,000	1,200	—	—	1,100	1,404	—	—	—	97,704	—
Greece	—	—	—	—	—	600	—	—	—	—	—	—	—	600	—
Hungary	—	—	—	11,000	—	1,900	—	—	270	—	—	—	—	13,170	—
International Fund for Ireland	—	—	25,000	—	—	—	—	—	—	—	—	—	—	25,000	—
Irish Visa Program	—	—	4,000	—	—	—	—	—	—	—	—	—	—	4,000	—
Kazakhstan	—	—	—	3,000	43,000	1,000	—	—	1,950	2,783	—	—	—	51,733	—
Kosovo	—	—	—	—	—	—	—	—	—	—	—	85,000	—	85,000	—
Kyrgyz Republic	—	—	—	4,000	36,000	1,100	—	—	1,200	1,304	—	—	—	43,604	—
Latvia	—	—	—	7,000	—	1,100	—	—	1,600	—	—	—	—	9,700	—
Lithuania	—	—	—	7,500	—	1,100	—	—	920	—	—	—	—	9,520	—
Macedonia	—	—	—	11,000	—	650	—	—	190	1,138	—	50,000	—	62,978	—
Malta	—	—	—	1,000	—	300	—	—	480	—	—	—	—	1,780	—
Moldova	—	—	—	1,500	32,500	900	—	—	2,320	2,135	—	—	—	39,355	—
MRA Europe	—	—	—	—	—	—	—	77,000	—	—	—	—	—	77,000	—
NIS Regional Export Controls	—	—	—	—	—	—	—	—	500	—	—	—	—	500	—
OSCE Bosnia	—	—	—	—	—	—	—	—	—	—	17,500	—	—	17,500	—
OSCE Croatia	—	—	—	—	—	—	—	—	—	—	2,300	—	—	2,300	—
OSCE Kosovo	—	—	—	—	—	—	—	—	—	—	12,500	—	—	12,500	—
OSCE Regional–Europe	—	—	—	—	—	—	—	—	—	—	14,550	—	—	14,550	—
Poland	—	—	—	13,000	—	2,000	—	—	600	—	—	—	—	15,600	—
Portugal	—	—	—	—	—	850	—	—	—	—	—	—	—	850	—
Regional FSA	—	—	—	—	67,000	—	—	—	—	—	—	—	—	67,000	—
Regional SEED	—	—	—	—	—	—	—	—	—	—	—	60,000	—	60,000	—
Romania	—	—	—	10,000	—	1,500	—	—	560	3,656	—	29,000	—	44,716	—
Russia	—	—	—	—	148,000	800	—	—	3,980	2,465	—	—	—	155,245	—
Science Centers/Bio Redirection	—	—	—	—	—	—	—	—	52,000	—	—	—	—	52,000	—
Slovakia	—	—	—	9,000	—	950	—	—	700	—	—	—	—	10,650	—
Slovenia	—	—	—	5,000	—	950	—	—	550	—	—	—	—	6,500	—
Tajikistan	—	—	—	—	22,500	350	—	—	50	—	—	—	—	22,900	—
Turkey	—	—	—	17,500	—	2,800	—	—	600	—	—	—	—	20,900	—
Turkmenistan	—	—	—	700	7,000	450	—	—	50	1,460	—	—	—	9,660	—
Ukraine	—	—	—	4,000	155,000	1,700	—	—	3,050	4,723	—	—	—	168,473	—
Uzbekistan	—	—	—	8,750	31,500	1,200	—	—	1,200	1,952	—	—	—	44,602	—
Total Europe and Eurasia	—	—	44,000	168,700	755,000	32,050	—	77,000	99,417	29,749	46,850	495,000	35,805	1,783,571	—

Near East															
Algeria	—	—	—	—	—	550	—	—	—	—	—	—	—	550	—
ATA Regional–Near East Asia	—	—	—	—	—	—	—	—	9,012	—	—	—	—	9,012	—
Bahrain	—	—	—	—	—	450	—	—	—	—	—	—	—	450	—
Egypt	—	—	615,000	1,300,000	—	1,200	—	—	135	—	—	—	—	1,916,335	—
Iraq Opposition	—	—	25,000	—	—	—	—	—	—	—	—	—	—	25,000	—
Israel	—	—	800,000	2,100,000	—	—	—	—	—	—	—	—	—	2,900,000	—
Jordan	—	—	250,000	198,000	—	2,400	—	—	1,000	1,035	—	—	—	452,435	—
Lebanon	—	500	32,000	—	—	700	—	—	900	—	—	—	—	34,100	—
Middle East Democracy	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
Middle East Multilaterals	—	—	3,000	—	—	—	—	—	—	—	—	—	—	3,000	—
Middle East Regional Cooperation	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
Morocco	—	6,713	—	5,000	—	1,500	—	—	—	3,333	—	—	—	16,546	—
MRA Near East	—	—	—	—	—	—	—	102,500	—	—	—	—	—	102,500	—
MRA Refugees to Israel	—	—	—	—	—	—	—	60,000	—	—	—	—	—	60,000	—
Multinational Force and Observers	—	—	—	—	—	—	—	—	—	—	16,400	—	—	16,400	—
Oman	—	—	—	20,000	—	750	—	—	150	—	—	—	—	20,900	—
Saudi Arabia	—	—	—	—	—	25	—	—	80	—	—	—	—	105	—
Tunisia	—	—	—	5,000	—	1,500	—	—	—	—	—	—	—	6,500	—
U.S. North Africa Economic Partnership	—	—	4,000	—	—	—	—	—	—	—	—	—	—	4,000	—
United Arab Emirates	—	—	—	—	—	—	—	—	350	—	—	—	—	350	—
West Bank/Gaza	—	—	75,000	—	—	—	—	—	—	—	—	—	50,000	125,000	—
Yemen	—	—	10,000	2,000	—	650	—	—	915	—	—	—	—	13,565	—
Total Near East	—	7,213	1,824,000	3,630,000	—	9,725	—	162,500	12,542	4,368	16,400	—	50,000	5,716,748	—
South Asia															
ATA Regional–South Asia	—	—	—	—	—	—	—	—	9,867	—	—	—	—	9,867	—
Bangladesh	33,700	24,720	7,000	—	—	750	—	—	—	1,017	—	—	—	67,187	45,083
India	40,785	34,400	25,000	50,000	—	1,000	—	—	1,750	—	—	—	—	152,935	91,288
Maldives	—	—	—	—	—	150	—	—	—	—	—	—	—	150	—
MRA South Asia	—	—	—	—	—	—	—	30,300	—	—	—	—	—	30,300	—
Nepal	20,449	11,247	6,000	3,000	—	500	—	—	—	2,264	—	—	—	43,460	—
Pakistan	12,500	37,500	200,000	50,000	—	1,000	4,000	—	—	—	—	—	—	305,000	—
South Asia Regional Funds	—	—	2,000	—	—	—	—	—	—	—	—	—	—	2,000	—
Southwest Asia Initiatives	—	—	—	—	—	—	3,000	—	—	—	—	—	—	3,000	—
Sri Lanka	300	5,750	4,000	—	—	350	—	—	—	—	—	—	—	10,400	—
Total South Asia	107,734	113,617	244,000	103,000	—	3,750	7,000	30,300	11,617	3,281	—	—	—	624,299	136,371
Western Hemisphere															
Administration of Justice	—	—	11,000	—	—	—	—	—	—	—	—	—	—	11,000	—
Argentina	—	—	—	2,000	—	1,000	—	—	—	—	—	—	—	3,000	—
ATA Regional–Western Hemisphere	—	—	—	—	—	—	—	—	8,442	—	—	—	—	8,442	—
Bahamas	—	—	—	100	—	140	1,200	—	—	—	—	—	—	1,440	—

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2003—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Belize	—	—	—	300	—	175	—	—	—	1,555	—	—	—	2,030	—
Bolivia	18,513	12,230	10,000	2,000	—	800	91,000	—	—	3,032	—	—	—	137,575	21,525
Brazil	11,821	6,680	—	—	—	500	12,000	—	—	—	—	—	—	31,001	—
Caribbean Regional	4,688	10,000	—	—	—	—	—	—	—	—	—	—	—	14,688	—
Central American Regional	5,412	20,142	—	—	—	—	—	—	—	—	—	—	—	25,554	—
Chile	—	—	—	1,000	—	600	—	—	—	—	—	—	—	1,600	—
Colombia	—	—	—	98,000	—	1,180	439,000	—	—	—	—	—	—	538,180	—
Costa Rica	—	—	—	—	—	400	—	—	—	1,191	—	—	—	1,591	—
Cuba	—	—	6,000	—	—	—	—	—	—	—	—	—	—	6,000	—
Dominican Republic	11,409	8,000	3,500	320	—	500	—	—	—	3,296	—	—	—	27,025	—
Eastern Caribbean	—	—	—	2,130	—	700	—	—	—	2,608	—	—	—	5,438	—
Ecuador	—	7,130	20,000	1,000	—	650	37,000	—	250	3,028	—	—	—	69,058	—
El Salvador	9,636	24,096	—	2,500	—	900	—	—	—	2,760	—	—	—	39,892	—
FTAA Technical Assistance	—	—	1,000	—	—	—	—	—	—	—	—	—	—	1,000	—
Guatemala	11,739	14,960	7,500	—	—	350	3,400	—	—	4,740	—	—	—	42,689	18,013
Guyana	1,000	2,180	—	400	—	275	—	—	—	1,268	—	—	—	5,123	—
Haiti	14,000	11,000	—	400	—	50	—	—	—	1,689	—	—	—	27,139	22,375
Honduras	12,561	22,530	—	—	—	650	—	—	—	4,320	—	—	—	40,061	5,191
Inter-American Development Bank–Multilateral Investment Fund	—	—	—	—	—	—	—	—	—	—	—	—	29,591	29,591	—
Inter-American Foundation	—	—	—	—	—	—	—	—	—	—	—	—	14,000	14,000	—
Inter-American Investment Corporation	—	—	—	—	—	—	—	—	—	—	—	—	30,352	30,352	—
Jamaica	3,070	13,710	—	700	—	600	1,300	—	—	2,424	—	—	—	21,804	—
LAC Regional	6,813	53,462	—	—	—	—	—	—	—	—	—	—	—	60,275	—
Latin America Regional	—	—	—	—	—	—	9,500	—	—	—	—	—	—	9,500	—
Mexico	6,200	12,165	12,000	—	—	1,250	12,000	—	—	—	—	—	—	43,615	—
MRA Western Hemisphere	—	—	—	—	—	—	—	14,500	—	—	—	—	—	14,500	—
Nicaragua	7,606	19,730	—	500	—	400	—	—	200	2,874	—	—	—	31,310	10,363
OAS Development Assistance Programs	—	—	—	—	—	—	—	—	—	—	—	—	5,500	5,500	—
OAS Fund for Strengthening Democracy	—	—	—	—	—	—	—	—	—	—	—	—	2,500	2,500	—
OAS/IADB Demining	—	—	—	—	—	—	—	—	1,100	—	—	—	—	1,100	—
Panama	—	7,000	3,500	1,000	—	200	9,000	—	—	2,408	—	—	—	23,108	—
Paraguay	2,025	4,600	3,500	—	—	300	—	—	100	3,419	—	—	—	13,944	—
Peru	22,027	18,870	10,000	1,000	—	600	135,000	—	175	1,270	—	—	—	188,942	25,053

Peru-Ecuador Peace	—	—	4,500	—	—	—	—	—	—	—	—	—	—	4,500	—
Suriname	—	—	—	250	—	150	—	—	—	925	—	—	—	1,325	—
Third Border Initiative	—	—	3,000	—	—	—	—	—	—	—	—	—	—	3,000	—
Trinidad and Tobago	—	—	—	400	—	150	—	—	—	—	—	—	—	550	—
Uruguay	—	—	—	1,000	—	450	—	—	—	—	—	—	—	1,450	—
Venezuela	—	—	500	—	—	700	8,000	—	—	—	—	—	—	9,200	—
Total Western Hemisphere	148,520	268,485	96,000	115,000	—	13,670	758,400	14,500	10,267	42,807	—	—	81,943	1,549,592	102,520
Global															
Asia Regional	—	—	—	—	—	—	4,500	—	—	—	—	—	—	4,500	—
Asia-Near East Regional	17,742	55,305	—	—	—	—	—	—	—	—	—	—	—	73,047	—
Asian Development Fund	—	—	—	—	—	—	—	—	—	—	—	—	147,386	147,386	—
ATA Program Management	—	—	—	—	—	—	—	—	10,700	—	—	—	—	10,700	—
ATA WMD Preparedness Program	—	—	—	—	—	—	—	—	1,000	—	—	—	—	1,000	—
Civilian Police Program	—	—	—	—	—	—	5,000	—	—	—	—	—	—	5,000	—
CTBT International Monitoring System	—	—	—	—	—	—	—	—	18,200	—	—	—	—	18,200	—
Demining Administrative Expenses	—	—	—	—	—	—	—	—	675	—	—	—	—	675	—
Demining Crosscutting Initiatives	—	—	—	—	—	—	—	—	5,740	—	—	—	—	5,740	—
Demining Mine Surveys	—	—	—	—	—	—	—	—	5,070	—	—	—	—	5,070	—
Demining New Country Programs	—	—	—	—	—	—	—	—	6,730	—	—	—	—	6,730	—
Demining Research and Training	—	—	—	—	—	—	—	—	1,525	—	—	—	—	1,525	—
Democracy, Conflict & Humanitarian Assistance	23,800	76,300	—	—	—	—	—	—	—	—	—	—	—	100,100	—
Development Credit Program–Admin. Exp.	—	—	—	—	—	—	—	—	—	—	—	—	7,500	7,500	—
E-IMET Schools	—	—	—	—	—	1,800	—	—	—	—	—	—	—	1,800	—
Economic Growth, Agriculture and Trade	—	154,800	—	—	—	—	—	—	—	—	—	—	—	154,800	—
Enhanced International Peacekeeping Capabilities	—	—	—	4,000	—	—	—	—	—	—	—	—	—	4,000	—
Export Control Program Administration	—	—	—	—	—	—	—	—	500	—	—	—	—	500	—
Export Control Regional Advisors	—	—	—	—	—	—	—	—	5,895	—	—	—	—	5,895	—
Export-Import Bank–Administrative Expenses	—	—	—	—	—	—	—	—	—	—	—	—	68,327	68,327	—
Export-Import Bank–Direct Loans, Negative Subsidies	—	—	—	—	—	—	—	—	—	—	—	—	(13,000)	(13,000)	—
Export-Import Bank–Loan Subsidy	—	—	—	—	—	—	—	—	—	—	—	—	541,400	541,400	—
FMF Administrative Costs	—	—	—	37,000	—	—	—	—	—	—	—	—	—	37,000	—
General Costs	—	—	—	—	—	500	—	—	—	—	—	—	—	500	—
Global Development Alliance	—	30,000	—	—	—	—	—	—	—	—	—	—	—	30,000	—
Global Environment Facility	—	—	—	—	—	—	—	—	—	—	—	—	177,813	177,813	—
Global Health	301,000	3,800	—	—	—	—	—	—	—	—	—	—	—	304,800	—

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2003—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Human Rights and Democracy Funds	—	—	12,000	—	—	—	—	—	—	—	—	—	—	12,000	—
INL Anticrime Programs	—	—	—	—	—	—	14,000	—	—	—	—	—	—	14,000	—
International Atomic Energy Agency Voluntary Contribution	—	—	—	—	—	—	—	—	50,000	—	—	—	—	50,000	—
International Civil Aviation Organization	—	—	—	—	—	—	—	—	—	—	—	—	300	300	—
International Conservation Programs	—	—	—	—	—	—	—	—	—	—	—	—	6,225	6,225	—
International Contributions for Scientific, Educational, and Cultural Activities	—	—	—	—	—	—	—	—	—	—	—	—	1,750	1,750	—
International Development Association	—	—	—	—	—	— D—	—	—	—	—	—	874,338	874,338	—	
International Disaster Assistance	—	—	—	—	—	—	—	—	—	—	—	—	235,500	235,500	—
International Fund for Agricultural Development	—	—	—	—	—	—	—	—	—	—	—	—	15,004	15,004	—
International Law Enforcement Academies	—	—	—	—	—	—	14,500	—	—	—	—	—	—	14,500	—
International Organizations	—	—	—	—	—	—	13,000	—	—	—	—	—	—	13,000	—
International Organizations/Partnerships	326,356	5,000	—	—	—	—	—	—	—	—	—	—	—	331,356	—
International Panel on Climate Change/UN Framework Convention on Climate Change	—	—	—	—	—	—	—	—	—	—	—	—	5,600	5,600	—
International Trust Fund–NADR	—	—	—	—	—	—	—	—	10,000	—	—	—	—	10,000	—
Interregional Aviation Support	—	—	—	—	—	—	65,000	—	—	—	—	—	—	65,000	—
Montreal Protocol Multilateral Fund	—	—	—	—	—	—	—	—	—	—	—	—	23,000	23,000	—
MRA Administrative Expenses	—	—	—	—	—	—	—	16,000	—	—	—	—	—	16,000	—
MRA Migration	—	—	—	—	—	—	—	15,700	—	—	—	—	—	15,700	—
MRA Multiregional Activities	—	—	—	—	—	—	—	56,000	—	—	—	—	—	56,000	—
MRA Refugee Admissions	—	—	—	—	—	—	—	130,000	—	—	—	—	—	130,000	—
Multilateral Investment Guarantee Agency	—	—	—	—	—	—	—	—	—	—	—	—	3,631	3,631	—
NADR Regional Export Controls	—	—	—	—	—	—	—	—	900	—	—	—	—	900	—
Non-Proliferation and Disarmament Fund	—	—	—	—	—	—	—	—	15,000	—	—	—	—	15,000	—

Oceans, Environmental and Science Initiative	—	—	2,000	—	—	—	—	—	—	—	—	—	—	2,000	—
OPIC–Administrative Expenses	—	—	—	—	—	—	—	—	—	—	—	—	39,885	39,885	—
OPIC–Credit Funding	—	—	—	—	—	—	—	—	—	—	—	—	24,000	24,000	—
OPIC–Net Offsetting Collections	—	—	—	—	—	—	—	—	—	—	—	—	(291,000)	(291,000)	—
Partnership to Eliminate Sweatshops	—	—	4,000	—	—	—	—	—	—	—	—	—	—	4,000	—
Peace Corps Other	—	—	—	—	—	—	—	—	—	155,598	—	—	—	155,598	—
Policy Initiatives	—	25,000	20,250	6,000	—	—	—	—	—	—	—	—	—	51,250	775,172
Program & Policy Coordination	4,700	7,400	—	—	—	—	—	—	—	—	—	—	—	12,100	—
Program Development and Support	—	—	—	—	—	—	13,850	—	—	—	—	—	—	13,850	—
Regional Narc. Training and Demand Reduction	—	—	—	—	—	—	5,000	—	—	—	—	—	—	5,000	—
Reserve to be Allocated	—	—	—	—	—	—	—	—	—	—	—	—	25,000	25,000	—
Systems Support and Upgrades	—	—	—	—	—	—	4,000	—	—	—	—	—	—	4,000	—
Terrorist Interdiction Program	—	—	—	—	—	—	—	—	5,000	—	—	—	—	5,000	—
Trade and Development Agency	—	—	—	—	—	—	—	—	—	—	—	—	44,512	44,512	—
Trafficking in Persons	—	—	—	—	—	—	10,000	—	—	—	—	—	—	10,000	—
Transition Initiatives	—	—	—	—	—	—	—	—	—	—	—	—	55,000	55,000	—
Treasury Technical Assistance	—	—	—	—	—	—	—	—	—	—	—	—	10,000	10,000	—
U.S. Emergency Refugee and Migration Assistance Fund	—	—	—	—	—	—	—	—	—	—	—	—	15,000	15,000	—
UN Children's Fund	—	—	—	—	—	—	—	—	—	—	—	—	120,000	120,000	—
UN Development Fund for Women	—	—	—	—	—	—	—	—	—	—	—	—	1,000	1,000	—
UN Development Program	—	—	—	—	—	—	—	—	—	—	—	—	100,000	100,000	—
UN Environment Program	—	—	—	—	—	—	—	—	—	—	—	—	10,025	10,025	—
UN Voluntary Fund for Technical Cooperation in the Field of Human Rights	—	—	—	—	—	—	—	—	—	—	—	—	1,500	1,500	—
UN Voluntary Fund for Victims of Torture	—	—	—	—	—	—	—	—	—	—	—	—	5,000	5,000	—
USAID Capital Investment Fund	—	—	—	—	—	—	—	—	—	—	—	—	95,000	95,000	—
USAID Inspector General Operating Expenses	—	—	—	—	—	—	—	—	—	—	—	—	32,700	32,700	—
USAID Operating Expenses	—	—	—	—	—	—	—	—	—	—	—	—	572,200	572,200	—
World Meteorological Organization	—	—	—	—	—	—	—	—	—	—	—	—	2,000	2,000	—
World Trade Organization	—	—	—	—	—	—	—	—	—	—	—	—	1,000	1,000	—
Total Global	673,598	357,605	38,250	47,000	—	2,300	148,850	217,700	136,935	155,598	—	—	2,957,596	4,735,432	775,172
Total FY 2003	1,473,967	1,365,533	2,490,000	4,107,200	755,000	80,000	928,000	705,000	372,400	317,000	108,250	495,000	3,265,063	16,462,413	1,185,000

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries (‘Spigots’)
FY 2004
($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Africa															
Africa Regional	33,420	64,976	—	—	—	—	7,000	—	—	—	—	—	—	105,396	—
Africa Regional Fund	—	—	14,000	—	—	—	—	—	—	—	—	—	—	14,000	—
Africa Regional Peacekeeping	—	—	—	—	—	—	—	—	—	—	9,000	—	—	9,000	—
African Contingency Operations Training and Assistance	—	—	—	—	—	—	—	—	—	—	15,000	—	—	15,000	—
African Development Bank	—	—	—	—	—	—	—	—	—	—	—	—	5,105	5,105	—
African Development Foundation	—	—	—	—	—	—	—	—	—	—	—	—	17,689	17,689	—
African Development Fund	—	—	—	—	—	—	—	—	—	—	—	—	118,081	118,081	—
Agriculture Initiative	—	43,000	—	—	—	—	—	—	—	—	—	—	—	43,000	—
Angola	11,200	2,500	3,500	—	—	100	—	—	5,300	—	—	—	—	22,600	7,538
Anti-Corruption Initiative	—	6,000	—	—	—	—	—	—	—	—	—	—	—	6,000	—
ATA Regional–Africa	—	—	—	—	—	—	—	—	4,906	—	—	—	—	4,906	—
Benin	7,529	6,892	—	—	—	500	—	—	—	3,079	—	—	—	18,000	4,699
Botswana	—	—	—	1,000	—	700	—	—	—	1,565	—	—	—	3,265	—
Burkina Faso	—	—	—	—	—	50	—	—	—	2,964	—	—	—	3,014	8,353
Burundi	2,500	1,800	3,500	—	—	100	—	—	—	—	—	—	—	7,900	9,500
Cameroon	—	—	—	—	—	200	—	—	—	3,534	—	—	—	3,734	—
Cape Verde	—	—	—	—	—	120	—	—	—	1,498	—	—	—	1,618	3,499
Central African Republic	—	—	—	—	—	150	—	—	—	—	—	—	—	150	—
Chad	—	—	—	—	—	150	—	—	650	1,302	—	—	—	2,102	2,327
Comoros	—	—	—	—	—	50	—	—	—	—	—	—	—	50	—
Congo Basin Forest Partnership	—	15,000	—	—	—	—	—	—	—	—	—	—	—	15,000	—
Cote d’Ivoire	—	—	—	—	—	—	—	—	—	1,728	—	—	—	1,728	—
Democratic Republic of Congo	18,086	6,082	4,250	—	—	100	—	—	—	—	—	—	—	28,518	—
Djibouti	—	—	—	2,000	—	225	—	—	—	—	—	—	—	2,225	—
ECOWAS	—	—	—	—	—	100	—	—	—	—	—	—	—	100	—
Education Initiative	—	50,000	—	—	—	—	—	—	—	—	—	—	—	50,000	—
Equatorial Guinea	—	—	—	—	—	50	—	—	—	—	—	—	—	50	—
Eritrea	5,400	840	—	500	—	450	—	—	1,000	—	—	—	—	8,190	2,256
Ethiopia	37,168	15,438	5,000	500	—	570	—	—	300	—	—	—	—	58,976	20,803
Gabon	—	—	—	—	—	160	—	—	—	2,809	—	—	—	2,969	—
Gambia	—	—	—	—	—	100	—	—	—	2,477	—	—	—	2,577	—
Ghana	22,220	14,575	—	500	—	500	—	—	—	3,421	—	—	—	41,216	21,767
Guinea	6,659	11,095	—	—	—	350	—	—	—	3,325	—	—	—	21,429	4,474
Guinea-Bissau	—	—	—	—	—	100	—	—	—	—	—	—	—	100	—
Kenya	38,513	3,776	8,000	6,500	—	600	—	—	—	3,915	—	—	—	61,304	14,262

Lesotho	—	—	—	—	—	125	—	—	—	2,755	—	—	—	2,880	—
Liberia	2,045	1,100	—	—	—	—	—	—	—	—	—	—	—	3,145	—
Madagascar	8,915	10,945	—	—	—	200	—	—	—	2,596	—	—	—	22,656	12,590
Malawi	21,919	10,555	—	—	—	360	—	—	—	2,555	—	—	—	35,389	4,918
Mali	12,659	17,027	—	—	—	350	—	—	—	4,399	—	—	—	34,435	—
Mauritania	—	—	—	—	—	125	—	—	100	2,373	—	—	—	2,598	3,204
Mauritius	—	—	—	—	—	125	—	—	—	—	—	—	—	125	—
Military Health Affairs	—	—	—	1,500	—	—	—	—	—	—	—	—	—	1,500	—
Mozambique	24,200	16,061	—	—	—	225	—	—	1,750	2,469	—	—	—	44,705	16,659
MRA Africa	—	—	—	—	—	—	—	209,070	—	—	—	—	—	209,070	—
Namibia	2,500	4,932	—	—	—	225	—	—	150	3,050	—	—	—	10,857	—
Niger	—	—	—	—	—	200	—	—	—	3,138	—	—	—	3,338	6,953
Nigeria	46,300	12,639	5,000	4,000	—	850	—	—	—	—	—	—	—	68,789	—
REDSO/ESA	14,887	7,404	—	—	—	—	—	—	—	—	—	—	—	22,291	—
Regional Center for South Africa	—	12,771	—	—	—	—	—	—	—	—	—	—	—	12,771	—
Regional Organizations	—	—	3,000	—	—	—	—	—	—	—	—	—	—	3,000	—
Republic of the Congo	—	—	—	—	—	110	—	—	—	—	—	—	—	110	—
Rwanda	14,506	4,810	—	—	—	175	—	—	—	—	—	—	—	19,491	12,438
Safe Skies	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
Sao Tome and Principe	—	—	—	—	—	100	—	—	—	—	—	—	—	100	—
Senegal	15,825	12,209	—	500	—	1,000	—	—	—	4,036	—	—	—	33,570	5,387
Seychelles	—	—	—	—	—	100	—	—	—	—	—	—	—	100	—
Sierra Leone	500	3,727	5,000	—	—	300	—	—	—	—	—	—	—	9,527	—
Somalia	411	965	—	—	—	—	—	—	1,300	—	—	—	—	2,676	—
South Africa	31,628	27,457	2,000	6,000	—	1,600	—	—	50	3,293	—	—	—	72,028	—
Sudan	16,426	49,613	15,000	—	—	—	—	—	—	—	—	—	—	81,039	—
Swaziland	—	—	—	—	—	135	—	—	—	1,572	—	—	—	1,707	—
Tanzania	25,164	3,227	—	—	—	230	—	—	—	3,829	—	—	—	32,450	—
Togo	—	—	—	—	—	125	—	—	—	2,746	—	—	—	2,871	—
Trade Initiative	—	25,000	—	—	—	—	—	—	—	—	—	—	—	25,000	—
Uganda	41,795	20,273	—	—	—	200	—	—	—	1,723	—	—	—	63,991	18,520
West Africa Regional	23,800	5,878	—	—	—	—	—	—	—	—	—	—	—	29,678	1,779
Zambia	40,095	9,632	—	—	—	225	—	—	300	4,003	—	—	—	54,255	3,100
Zimbabwe	15,835	746	4,000	—	—	—	—	—	—	—	—	—	—	20,581	—
Total Africa	542,105	498,945	77,250	23,000	—	12,510	7,000	209,070	15,806	76,154	24,000	—	140,875	1,626,715	185,026
East Asia and the Pacific															
ASEAN Regional	—	—	2,500	—	—	—	—	—	—	—	—	—	—	2,500	—
ATA Regional–East Asia and the Pacific	—	—	—	—	—	—	—	—	5,656	—	—	—	—	5,656	—
Burma	2,500	—	6,500	—	—	—	—	—	—	—	—	—	—	9,000	—
Cambodia	22,800	2,000	15,000	—	—	200	—	—	3,000	—	—	—	—	43,000	—
China	—	—	—	—	—	—	—	—	—	2,372	—	—	—	2,372	—
East Timor	—	—	13,500	2,000	—	150	—	—	—	1,559	2,000	—	—	19,209	—
Fiji	—	—	—	—	—	200	—	—	—	1,557	—	—	—	1,757	—

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2004—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Indonesia	29,250	31,691	60,000	—	—	600	—	—	4,000	—	—	—	—	125,541	11,194
Kiribati	—	—	—	—	—	—	—	—	—	1,342	—	—	—	1,342	—
Laos	1,350	—	—	—	—	100	3,000	—	1,700	—	—	—	—	6,150	—
Malaysia	—	—	—	—	—	1,200	—	—	100	—	—	—	—	1,300	—
Micronesia	—	—	—	—	—	—	—	—	—	2,021	—	—	—	2,021	—
Mongolia	—	—	10,000	1,000	—	850	—	—	—	2,073	—	—	—	13,923	—
MRA East Asia	—	—	—	—	—	—	—	14,260	—	—	—	—	—	14,260	—
Papua New Guinea	—	—	—	—	—	300	—	—	—	—	—	—	—	300	—
Philippines	22,000	23,068	20,000	17,000	—	2,700	2,000	—	—	2,946	—	—	—	89,714	—
Regional Democracy	—	—	4,000	—	—	—	—	—	—	—	—	—	—	4,000	—
Regional Security Fund	—	—	250	—	—	—	—	—	—	—	—	—	—	250	—
Regional Women's Issues	—	—	3,000	—	—	—	—	—	—	—	—	—	—	3,000	—
Samoa	—	—	—	—	—	150	—	—	—	1,524	—	—	—	1,674	—
Solomon Islands	—	—	—	—	—	50	—	—	—	—	—	—	—	50	—
South Pacific Fisheries	—	—	18,000	—	—	—	—	—	—	—	—	—	—	18,000	—
Southeast Asia Regional Funds	—	—	—	—	—	—	—	—	700	—	—	—	—	700	—
Thailand	3,000	750	—	1,000	—	2,450	2,000	—	1,500	1,922	—	—	—	12,622	—
Tonga	—	—	—	—	—	125	—	—	—	1,145	—	—	—	1,270	—
Vanuatu	—	—	—	—	—	100	—	—	—	1,572	—	—	—	1,672	—
Vietnam	7,200	4,000	—	—	—	100	—	—	1,650	—	—	—	—	12,950	—
Total East Asia and the Pacific	88,100	61,509	152,750	21,000	—	9,275	7,000	14,260	18,306	20,033	2,000	—	—	394,233	11,194
Europe and Eurasia															
Albania	—	—	—	4,000	—	975	—	—	500	1,467	—	28,000	—	34,942	—
Armenia	—	—	—	2,500	49,500	900	—	—	1,000	1,685	—	—	—	55,585	—
ATA Regional–Europe and Eurasia	—	—	—	—	—	—	—	—	19,051	—	—	—	—	19,051	—
Azerbaijan	—	—	—	2,500	41,500	900	—	—	3,300	1,402	—	—	—	49,602	—
Belarus	—	—	—	—	8,000	—	—	—	—	—	—	—	—	8,000	—
Bosnia and Herzegovina	—	—	—	2,000	—	900	—	—	800	—	—	44,000	—	47,700	—
Bulgaria	—	—	—	8,500	—	1,350	—	—	700	3,040	—	28,000	—	41,590	—
Croatia	—	—	—	5,000	—	800	—	—	750	—	—	25,000	—	31,550	—
Cyprus	—	—	7,500	—	—	—	—	—	300	—	—	—	—	7,800	—
Czech Republic	—	—	—	10,000	—	1,900	—	—	—	—	—	—	—	11,900	—
Estonia	—	—	—	6,250	—	1,200	—	—	1,750	—	—	—	—	9,200	—
European Bank for Reconstruction and Development	—	—	—	—	—	—	—	—	—	—	—	—	35,431	35,431	—

Federal Republic of Yugoslavia	—	—	—	—	—	500	—	—	750	—	—	113,000	—	114,250	—
Georgia	—	—	—	10,000	75,000	1,300	—	—	2,100	1,529	—	—	—	89,929	—
Greece	—	—	—	—	—	600	—	—	—	—	—	—	—	600	—
Hungary	—	—	—	10,000	—	1,900	—	—	—	—	—	—	—	11,900	—
International Fund for Ireland	—	—	8,500	—	—	—	—	—	—	—	—	—	—	8,500	—
Irish Visa Program	—	—	4,000	—	—	—	—	—	—	—	—	—	—	4,000	—
Kazakhstan	—	—	—	3,000	32,000	1,200	—	—	2,200	3,130	—	—	—	41,530	—
Kosovo	—	—	—	—	—	—	—	—	—	—	—	79,000	—	79,000	—
Kyrgyz Republic	—	—	—	6,000	40,000	1,200	—	—	1,400	1,673	—	—	—	50,273	—
Latvia	—	—	—	6,250	—	1,200	—	—	1,800	—	—	—	—	9,250	—
Lithuania	—	—	—	7,000	—	1,200	—	—	1,800	—	—	—	—	10,000	—
Macedonia	—	—	—	10,000	—	700	—	—	300	1,389	—	39,000	—	51,389	—
Malta	—	—	—	1,000	—	250	—	—	100	—	—	—	—	1,350	—
Moldova	—	—	—	1,000	23,000	1,000	—	—	1,000	2,398	—	—	—	28,398	—
MRA Europe	—	—	—	—	—	—	—	58,100	—	—	—	—	—	58,100	—
NIS Regional Export Controls	—	—	—	—	—	—	—	—	1,400	—	—	—	—	1,400	—
OSCE Bosnia	—	—	—	—	—	—	—	—	—	—	11,800	—	—	11,800	—
OSCE Croatia	—	—	—	—	—	—	—	—	—	—	900	—	—	900	—
OSCE Kosovo	—	—	—	—	—	—	—	—	—	—	9,500	—	—	9,500	—
OSCE Regional–Europe	—	—	—	—	—	—	—	—	—	—	9,300	—	—	9,300	—
Poland	—	—	—	12,000	—	2,000	—	—	—	—	—	—	—	14,000	—
Portugal	—	—	—	—	—	850	—	—	—	—	—	—	—	850	—
Regional FSA	—	—	—	—	55,000	—	—	—	—	—	—	—	—	55,000	—
Regional SEED	—	—	—	—	—	—	—	—	—	—	—	51,000	—	51,000	—
Romania	—	—	—	9,000	—	1,500	—	—	1,000	3,962	—	28,000	—	43,462	—
Russia	—	—	—	—	73,000	800	—	—	3,000	—	—	—	—	76,800	—
Science Centers/Bio Redirection	—	—	—	—	—	—	—	—	59,000	—	—	—	—	59,000	—
Slovakia	—	—	—	8,000	—	950	—	—	300	—	—	—	—	9,250	—
Slovenia	—	—	—	4,000	—	950	—	—	300	—	—	—	—	5,250	—
Tajikistan	—	—	—	700	35,000	400	—	—	300	—	—	—	—	36,400	10,400
Turkey	—	—	200,000	50,000	—	5,000	—	—	600	—	—	—	—	255,600	—
Turkmenistan	—	—	—	700	8,000	450	—	—	200	1,795	—	—	—	11,145	—
Ukraine	—	—	—	3,000	94,000	1,700	—	—	2,000	5,410	—	—	—	106,110	—
Uzbekistan	—	—	—	10,000	42,000	1,600	—	—	1,400	2,461	—	—	—	57,461	—
Total Europe and Eurasia	—	—	220,000	192,400	576,000	36,175	—	58,100	109,101	31,341	31,500	435,000	35,431	1,725,048	10,400
Near East															
Algeria	—	—	—	—	—	550	—	—	—	—	—	—	—	550	—
ATA Regional–Near East Asia	—	—	—	—	—	—	—	—	13,087	—	—	—	—	13,087	—
Bahrain	—	—	—	25,000	—	600	—	—	—	—	—	—	—	25,600	—
Egypt	—	—	575,000	1,300,000	—	1,200	—	—	250	—	—	—	—	1,876,450	—
Israel	—	—	480,000	2,160,000	—	—	—	—	—	—	—	—	—	2,640,000	—
Jordan	—	—	250,000	206,000	—	2,900	—	—	1,250	2,326	—	—	—	462,476	—
Lebanon	—	500	32,000	—	—	700	—	—	900	—	—	—	—	34,100	—
Middle East Multilaterals	—	—	3,000	—	—	—	—	—	—	—	—	—	—	3,000	—

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2004—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Middle East Partnership Initiative	—	—	145,000	—	—	—	—	—	—	—	—	—	—	145,000	—
Middle East Regional Cooperation	—	—	5,000	—	—	—	—	—	—	—	—	—	—	5,000	—
Morocco	—	5,400	—	10,000	—	1,750	—	—	—	3,714	—	—	—	20,864	—
MRA Near East	—	—	—	—	—	—	—	102,320	—	—	—	—	—	102,320	—
MRA Refugees to Israel	—	—	—	—	—	—	—	50,000	—	—	—	—	—	50,000	—
Multinational Force and Observers	—	—	—	—	—	—	—	—	—	—	16,400	—	—	16,400	—
Oman	—	—	—	25,000	—	1,000	—	—	100	—	—	—	—	26,100	—
Saudi Arabia	—	—	—	—	—	25	—	—	80	—	—	—	—	105	—
Tunisia	—	—	—	10,000	—	1,750	—	—	—	—	—	—	—	11,750	—
United Arab Emirates	—	—	—	—	—	—	—	—	250	—	—	—	—	250	—
West Bank/Gaza	—	—	75,000	—	—	—	—	—	—	—	—	—	—	75,000	—
Yemen	—	—	15,000	15,000	—	1,000	—	—	850	—	—	—	—	31,850	—
Total Near East	—	5,900	1,580,000	3,751,000	—	11,475	—	152,320	16,767	6,040	16,400	—	—	5,539,902	—
South Asia															
Afghanistan	21,000	150,000	150,000	150,000	—	600	40,000	—	18,950	—	20,000	—	—	550,550	—
ATA Regional–South Asia	—	—	—	—	—	—	—	—	5,219	—	—	—	—	5,219	—
Bangladesh	32,000	18,850	6,000	—	—	800	—	—	—	1,255	—	—	—	58,905	45,445
India	40,800	27,100	20,000	5,000	—	1,250	—	—	1,000	—	—	—	—	95,150	45,000
Maldives	—	—	—	—	—	175	—	—	—	—	—	—	—	175	—
MRA South Asia	—	—	—	—	—	—	—	79,040	—	—	—	—	—	79,040	—
Nepal	18,500	14,311	6,000	10,000	—	600	—	—	—	2,402	—	—	—	51,813	—
Pakistan	25,000	50,000	200,000	75,000	—	1,250	38,000	—	6,000	—	—	—	—	395,250	—
South Asia Regional Funds	—	—	2,000	—	—	—	—	—	—	—	—	—	—	2,000	—
Sri Lanka	500	5,000	14,000	1,000	—	500	—	—	1,700	—	1,000	—	—	23,700	—
Total South Asia	137,800	265,261	398,000	241,000	—	5,175	78,000	79,040	32,869	3,657	21,000	—	—	1,261,802	90,445
Western Hemisphere															
Administration of Justice	—	—	7,000	—	—	—	—	—	—	—	—	—	—	7,000	—
Argentina	—	—	—	1,500	—	1,100	—	—	—	—	—	—	—	2,600	—
ATA Regional–Western Hemisphere	—	—	—	—	—	—	—	—	2,297	—	—	—	—	2,297	—
Bahamas	—	—	—	100	—	140	1,000	—	—	—	—	—	—	1,240	—
Belize	—	—	—	200	—	200	—	—	—	1,680	—	—	—	2,080	—
Bolivia	14,402	11,380	8,000	4,000	—	900	91,000	—	—	3,294	—	—	—	132,976	21,655
Brazil	12,011	8,222	—	—	—	500	12,000	—	—	—	—	—	—	32,733	—

Caribbean Regional	6,532	3,480	—	—	—	—	—	—	—	—	—	—	—	10,012	—
Central American Regional	7,628	17,231	—	—	—	—	—	—	—	—	—	—	—	24,859	—
Chile	—	—	—	500	—	600	—	—	—	—	—	—	—	1,100	—
Colombia	—	—	—	110,000	—	1,600	463,000	—	—	—	—	—	—	574,600	—
Costa Rica	—	—	—	—	—	400	—	—	—	1,374	—	—	—	1,774	—
Cuba	—	—	7,000	—	—	—	—	—	—	—	—	—	—	7,000	—
Dominican Republic	13,110	10,600	3,000	320	—	500	—	—	—	3,630	—	—	—	31,160	—
Eastern Caribbean	—	—	—	2,000	—	700	—	—	—	2,939	—	—	—	5,639	—
Ecuador	300	7,130	14,000	15,000	—	650	35,000	—	—	3,311	—	—	—	75,391	—
El Salvador	6,334	28,712	—	2,000	—	900	—	—	—	3,113	—	—	—	41,059	—
Guatemala	10,250	10,700	5,000	—	—	350	3,000	—	—	5,164	—	—	—	34,464	19,030
Guyana	2,000	2,750	—	100	—	275	—	—	—	1,413	—	—	—	6,538	—
Haiti	21,826	7,150	—	330	—	200	—	—	—	1,929	—	—	—	31,435	23,847
Honduras	13,861	22,226	—	—	—	650	—	—	—	4,306	—	—	—	41,043	5,365
Inter-American Development Bank–Multilateral Investment Fund	—	—	—	—	—	—	—	—	—	—	—	—	32,614	32,614	—
Inter-American Foundation	—	—	—	—	—	—	—	—	—	—	—	—	15,185	15,185	—
Inter-American Investment Corporation	—	—	—	—	—	—	—	—	—	—	—	—	30,898	30,898	—
Jamaica	3,407	13,060	—	600	—	600	1,500	—	—	2,754	—	—	—	21,921	—
LAC Regional	5,161	38,338	—	—	—	—	—	—	—	—	—	—	—	43,499	—
Latin America Regional	—	—	—	—	—	—	5,000	—	—	—	—	—	—	5,000	—
Mexico	4,976	12,265	12,000	—	—	1,275	37,000	—	—	—	—	—	—	67,516	—
MRA Western Hemisphere	—	—	—	—	—	—	—	21,000	—	—	—	—	—	21,000	—
Nicaragua	6,855	24,152	—	500	—	400	—	—	300	3,236	—	—	—	35,443	10,565
OAS Development Assistance Programs	—	—	—	—	—	—	—	—	—	—	—	—	5,500	5,500	—
OAS Fund for Strengthening Democracy	—	—	—	—	—	—	—	—	—	—	—	—	2,500	2,500	—
OAS/IADB Demining	—	—	—	—	—	—	—	—	3,000	—	—	—	—	3,000	—
Panama	—	5,750	3,500	2,500	—	200	9,000	—	50	2,678	—	—	—	23,678	—
Paraguay	2,025	4,000	3,500	—	—	300	—	—	—	3,815	—	—	—	13,640	—
Peru	16,732	15,316	9,000	2,000	—	700	116,000	—	—	1,455	—	—	—	161,203	20,472
Peru-Ecuador Peace	—	—	4,500	—	—	—	—	—	—	—	—	—	—	4,500	—
South American Regional	1,154	2,400	—	—	—	—	—	—	—	—	—	—	—	3,554	—
Suriname	—	—	—	150	—	150	—	—	—	1,021	—	—	—	1,321	—
Third Border Initiative	—	—	9,000	—	—	—	—	—	—	—	—	—	—	9,000	—
Trinidad and Tobago	—	—	—	300	—	150	—	—	—	—	—	—	—	450	—
Uruguay	—	—	—	1,000	—	450	—	—	—	—	—	—	—	1,450	—
Venezuela	—	—	500	—	—	700	5,000	—	—	—	—	—	—	6,200	—
WHA Regional	—	—	—	—	—	—	—	—	50	—	—	—	—	50	—
Total Western Hemisphere	148,564	244,862	86,000	143,100	—	14,590	778,500	21,000	5,697	47,112	—	—	86,697	1,576,122	100,934

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2004—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
Global															
Asia Regional	—	—	—	—	—	—	1,000	—	—	—	—	—	—	1,000	—
Asia-Near East Regional	14,418	26,218	—	—	—	—	—	—	—	—	—	—	—	40,636	—
Asian Development Fund	—	—	—	—	—	—	—	—	—	—	—	—	151,921	151,921	—
ATA Program Management	—	—	—	—	—	—	—	—	19,300	—	—	—	—	19,300	—
Civilian Police Program	—	—	—	—	—	—	2,700	—	—	—	—	—	—	2,700	—
CT Engagement w/Allies	—	—	—	—	—	—	—	—	2,500	—	—	—	—	2,500	—
CTBT International Monitoring System	—	—	—	—	—	—	—	—	19,300	—	—	—	—	19,300	—
Debt Restructuring	—	—	—	—	—	—	—	—	—	—	—	—	395,000	395,000	—
Demining Administrative Expenses	—	—	—	—	—	—	—	—	900	—	—	—	—	900	—
Demining Crosscutting Initiatives	—	—	—	—	—	—	—	—	4,975	—	—	—	—	4,975	—
Demining Mine Surveys	—	—	—	—	—	—	—	—	3,000	—	—	—	—	3,000	—
Demining New Country Programs	—	—	—	—	—	—	—	—	3,500	—	—	—	—	3,500	—
Demining Research and Training	—	—	—	—	—	—	—	—	1,525	—	—	—	—	1,525	—
Democracy, Conflict & Humanitarian Assistance	3,050	69,452	—	—	—	—	—	—	—	—	—	—	—	72,502	—
Development Credit Program–Admin. Exp.	—	—	—	—	—	—	—	—	—	—	—	—	8,000	8,000	—
E-IMET Schools	—	—	—	—	—	2,000	—	—	—	—	—	—	—	2,000	—
Economic Growth, Agriculture and Trade	—	149,703	—	—	—	—	—	—	—	—	—	—	—	149,703	—
Emergency Plan for AIDS Relief	—	—	—	—	—	—	—	—	—	—	—	—	450,000	450,000	—
Enhanced International Peacekeeping Capabilities	—	—	—	2,000	—	—	—	—	—	—	—	—	—	2,000	—
Export Control Program Administration	—	—	—	—	—	—	—	—	650	—	—	—	—	650	—
Export Control Regional Advisors	—	—	—	—	—	—	—	—	6,020	—	—	—	—	6,020	—
Export-Import Bank–Administrative Expenses	—	—	—	—	—	—	—	—	—	—	—	—	76,575	76,575	—
Export-Import Bank–Direct Loans, Negative Subsidies	—	—	—	—	—	—	—	—	—	—	—	—	(113,000)	(113,000)	—
Famine Fund	—	—	—	—	—	—	—	—	—	—	—	—	200,000	200,000	—
FMF Administrative Costs	—	—	—	40,500	—	—	—	—	—	—	—	—	—	40,500	—

General Costs	—	—	—	—	—	500	—	—	—	—	—	—	—	500	—
Global Development Alliance	—	15,000	—	—	—	—	—	—	—	—	—	—	—	15,000	—
Global Environment Facility	—	—	—	—	—	—	—	—	—	—	—	—	184,997	184,997	—
Global Health	306,063	—	—	—	—	—	—	—	—	—	—	—	—	306,063	—
Human Rights and Democracy Funds	—	—	17,000	—	—	—	—	—	—	—	—	—	—	17,000	—
INL Anticrime Programs	—	—	—	—	—	—	9,000	—	—	—	—	—	—	9,000	—
International Atomic Energy Agency Voluntary Contribution	—	—	—	—	—	—	—	—	50,000	—	—	—	—	50,000	—
International Civil Aviation Organization	—	—	—	—	—	—	—	—	—	—	—	—	1,000	1,000	—
International Conservation Programs	—	—	—	—	—	—	—	—	—	—	—	—	6,225	6,225	—
International Contributions for Scientific, Educational, and Cultural Activities	—	—	—	—	—	—	—	—	—	—	—	—	500	500	—
International Development Association	—	—	—	—	—	—	—	—	—	—	—	—	976,825	976,825	—
International Disaster Assistance	—	—	—	—	—	—	—	—	—	—	—	—	235,500	235,500	—
International Fund for Agricultural Development	—	—	—	—	—	—	—	—	—	—	—	—	15,004	15,004	—
International Law Enforcement Academies	—	—	—	—	—	—	14,500	—	—	—	—	—	—	14,500	—
International Organizations	—	—	—	—	—	—	13,000	—	—	—	—	—	—	13,000	—
International Organizations/Partnerships	251,500	—	—	—	—	—	—	—	—	—	—	—	—	251,500	—
International Panel on Climate Change/UN Framework Convention on Climate Change	—	—	—	—	—	—	—	—	—	—	—	—	5,600	5,600	—
International Trust Fund–NADR	—	—	—	—	—	—	—	—	10,000	—	—	—	—	10,000	—
Interregional Aviation Support	—	—	—	—	—	—	70,000	—	—	—	—	—	—	70,000	—
Legislative and Public Affairs	—	2,000	—	—	—	—	—	—	—	—	—	—	—	2,000	—
Millenium Challenge Account	—	—	—	—	—	—	—	—	—	—	—	—	1,300,000	1,300,000	—
Mobile Emergency Training Team	—	—	—	—	—	—	—	—	10,000	—	—	—	—	10,000	—
Montreal Protocol Multilateral Fund	—	—	—	—	—	—	—	—	—	—	—	—	21,000	21,000	—
MRA Administrative Expenses	—	—	—	—	—	—	—	18,500	—	—	—	—	—	18,500	—
MRA Migration	—	—	—	—	—	—	—	16,500	—	—	—	—	—	16,500	—
MRA Multiregional Activities	—	—	—	—	—	—	—	55,657	—	—	—	—	—	55,657	—
MRA Refugee Admissions	—	—	—	—	—	—	—	135,750	—	—	—	—	—	135,750	—
Multilateral Investment Guarantee Agency	—	—	—	—	—	—	—	—	—	—	—	—	4,002	4,002	—
NADR Regional Export Controls	—	—	—	—	—	—	—	—	1,200	—	—	—	—	1,200	—
New Course Development	—	—	—	—	—	—	—	—	2,184	—	—	—	—	2,184	—
Non-Proliferation and Disarmament Fund	—	—	—	—	—	—	—	—	35,000	—	—	—	—	35,000	—
Oceans, Environmental and Science Initiative	—	—	2,000	—	—	—	—	—	—	—	—	—	—	2,000	—

APPENDIX E.—U.S. Economic and Security Assistance Country/Account Summaries ('Spigots') FY 2004—Continued

($ in thousands)

Countries/Accounts	CSH	DA	ESF	FMF	FSA	IMET	INCLE	MRA	NADR	Peace Corps	PKO	SEED	Other	Total	P.L. 480
OPIC–Administrative Expenses	—	—	—	—	—	—	—	—	—	—	—	—	42,385	42,385	—
OPIC–Credit Funding	—	—	—	—	—	—	—	—	—	—	—	—	24,000	24,000	—
OPIC–Net Offsetting Collections	—	—	—	—	—	—	—	—	—	—	—	—	(264,385)	(264,385)	—
Partnership to Eliminate Sweatshops	—	—	2,000	—	—	—	—	—	—	—	—	—	—	2,000	—
Peace Corps Other	—	—	—	—	—	—	—	—	—	174,663	—	—	—	174,663	—
Policy Initiatives	—	—	—	—	—	—	—	—	—	—	—	—	—	—	787,001
Program & Policy Coordination	3,400	6,150	—	—	—	—	—	—	—	—	—	—	—	9,550	—
Program Development and Support	—	—	—	—	—	—	13,850	—	—	—	—	—	—	13,850	—
Program Equipment	—	—	—	—	—	—	—	—	5,500	—	—	—	—	5,500	—
Regional Narc. Training and Demand Reduction	—	—	—	—	—	—	5,000	—	—	—	—	—	—	5,000	—
Reserve to be Allocated	—	—	—	—	—	—	—	—	—	—	—	—	25,000	25,000	—
SA/LW Conference	—	—	—	—	—	—	—	—	100	—	—	—	—	100	—
Systems Support and Upgrades	—	—	—	—	—	—	5,000	—	—	—	—	—	—	5,000	—
Terrorist Interdiction Program	—	—	—	—	—	—	—	—	11,000	—	—	—	—	11,000	—
Trade and Development Agency	—	—	—	—	—	—	—	—	—	—	—	—	60,000	60,000	—
Trafficking in Persons	—	—	—	—	—	—	10,000	—	—	—	—	—	—	10,000	—
Transition Initiatives	—	—	—	—	—	—	—	—	—	—	—	—	55,000	55,000	—
Treasury Technical Assistance	—	—	—	—	—	—	—	—	—	—	—	—	14,000	14,000	—
U.S. Emergency Fund for Complex Foreign Crises	—	—	—	—	—	—	—	—	—	—	—	—	100,000	100,000	—
U.S. Emergency Refugee and Migration Assistance Fund	—	—	—	—	—	—	—	—	—	—	—	—	40,000	40,000	—
UN Children's Fund	—	—	—	—	—	—	—	—	—	—	—	—	120,000	120,000	—
UN Development Fund for Women	—	—	—	—	—	—	—	—	—	—	—	—	1,000	1,000	—
UN Development Program	—	—	—	—	—	—	—	—	—	—	—	—	100,000	100,000	—
UN Environment Program	—	—	—	—	—	—	—	—	—	—	—	—	10,025	10,025	—
UN Guards Contingent in Iraq	—	—	—	—	—	—	—	—	—	—	—	—	700	700	—
UN Voluntary Fund for Technical Cooperation in the Field of Human Rights	—	—	—	—	—	—	—	—	—	—	—	—	1,500	1,500	—
UN Voluntary Fund for Victims of Torture	—	—	—	—	—	—	—	—	—	—	—	—	5,000	5,000	—
United Nations Crime Center	—	—	—	—	—	—	1,000	—	—	—	—	—	—	1,000	—
USAID Capital Investment Fund	—	—	—	—	—	—	—	—	—	—	—	—	146,300	146,300	—
USAID Inspector General Operating Expenses	—	—	—	—	—	—	—	—	—	—	—	—	35,000	35,000	—

USAID Operating Expenses	—	—	—	—	—	—	—	—	—	—	—	—	604,100	604,100	—
World Food Program	—	—	—	—	—	—	—	—	—	—	—	—	6,000	6,000	—
World Meteorological Organization	—	—	—	—	—	—	—	—	—	—	—	—	2,000	2,000	—
World Trade Organization	—	—	—	—	—	—	—	—	—	—	—	—	1,000	1,000	—
Total Global	578,431	268,523	21,000	42,500	—	2,500	145,050	226,407	186,654	174,663	—	—	5,047,774	6,693,502	787,001
Total FY 2004	1,495,000	1,345,000	2,535,000	4,414,000	576,000	91,700	1,015,550	760,197	385,200	359,000	94,900	435,000	5,310,777	18,817,324	1,185,000

APPENDIX F—58TH UNHRC VOTING RECORD

Resolutions Adopted by the Commission on Human Rights at its Fifty-Eighth Session

Year/No.	Title	Method of adoption[1]	Agenda item
2002/1	Situation of human rights in the occupied Palestinian territory.	roll-call vote (44/2/7)	4
2002/2	Strengthening of the Office of the United Nations High Commissioner for Human Rights.	without a vote	4
2002/3	Situation in occupied Palestine	recorded vote (52/1/0)	5
2002/4	Question of Western Sahara ...	without a vote	5
2002/5	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.	recorded vote (36/8/9)	5
2002/6	Human rights in the occupied Syrian Golan.	recorded vote (34/1/18)	8
2002/7	Israeli settlements in the occupied Arab territories.	recorded vote (52/1/0)	8
2002/8	Question of the violation of human rights in the occupied Arab territories, including Palestine.	recorded vote (40/5/7)	8
2002/9	Combatting defamation of religions.	recorded vote (30/15/8)	6
2002/10	Human rights situation of the Lebanese detainees in Israel.	recorded vote (34/2/17)	9
2002/11	Assistance to Equatorial Guinea in the field of human rights.	recorded vote (32/1/20)	9
2002/12	Situation of human rights in Burundi.	without a vote	9
2002/13	Situation of human rights in parts of south-eastern Europe.	without a vote	9
2002/14	Situation of human rights in the Democratic Republic of the Congo.	without a vote	9
2002/15	Situation of human rights in Iraq.	recorded vote (28/4/21)	9
2002/16	Situation of human rights in the Sudan.	recorded vote (25/24/4)	9
2002/17	Cooperation with representatives of United Nations human rights bodies.	without a vote	9

Resolutions Adopted by the Commission on Human Rights at its Fifty-Eighth Session—Continued

Year/No.	Title	Method of adoption[1]	Agenda item
2002/18	Situation of human rights in Cuba.	recorded vote (23/21/9)	9
2002/19	Situation of human rights in Afghanistan.	without a vote	9
2002/20	Situation of human rights in Sierra Leone.	without a vote	9
2002/21	Adequate housing as a component of the right to an adequate standard of living.	without a vote	10
2002/22	Human rights and unilateral coercive measures.	recorded vote (38/6/9)	10
2002/23	The right to education	without a vote	10
2002/24	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve human rights.	without a vote	10
2002/25	The right to food	without a vote	10
2002/26	Promotion of the enjoyment of the cultural rights of everyone and the respect for the different cultural identities.	without a vote	10
2002/27	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.	recorded vote (37/14/2)	10
2002/28	Globalization and its impact on the full enjoyment of human rights.	recorded vote (38/15/0)	10
2002/29	Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights.	recorded vote (29/15/9)	10
2002/30	Human rights and extreme poverty.	without a vote	10

Resolutions Adopted by the Commission on Human Rights at its Fifty-Eighth Session—Continued

Year/No.	Title	Method of adoption[1]	Agenda item
2002/31	The right of everyone to the enjoyment of the highest attainable standard of physical and mental health.	without a vote	10
2002/32	Access to medication in the context of pandemics such as HIV/AIDS.	without a vote	10
2002/33	Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.	recorded vote (29/10/14)	11
2002/34	Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy.	recorded vote (29/7/17)	11
2002/35	Human rights and terrorism ...	recorded vote (32/0/21)	11
2002/36	Extrajudicial, summary or arbitrary executions.	recorded vote (36/2/14)	11
2002/37	Integrity of the judicial system	recorded vote (34/0/19)	11
2002/38	Torture and other cruel, inhuman or degrading treatment or punishment.	without a vote	11
2002/39	The incompatibility between democracy and racism.	without a vote	11
2002/40	Elimination of all forms of religious intolerance.	without a vote	11
2002/41	Question of enforced or involuntary disappearances.	without a vote	11
2002/42	Question of arbitrary detention	without a vote	11
2002/43	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.	without a vote	11
2002/44	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms.	without a vote	11
2002/45	Conscientious objection to military service.	without a vote	11
2002/46	Further measures to promote and consolidate democracy.	recorded vote (43/0/9)	11

Resolutions Adopted by the Commission on Human Rights at its Fifty-Eighth Session—Continued

Year/No.	Title	Method of adoption[1]	Agenda item
2002/47	Human rights in the administration of justice, in particular juvenile justice.	without a vote	11
2002/48	The right to freedom of opinion and expression.	without a vote	11
2002/49	Women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing.	without a vote	10
2002/50	Integrating the human rights of women throughout the United Nations system.	without a vote	12
2002/51	Traffic in women and girls	without a vote	12
2002/52	Elimination of violence against women.	without a vote	12
2002/53	Abduction of children from northern Uganda.	without a vote	13
2002/54	International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families.	without a vote	14
2002/55	Tolerance and pluralism as indivisible elements in the promotion and protection of human rights.	without a vote	14
2002/56	Internally displaced persons ...	without a vote	14
2002/57	Rights of persons belonging to national or ethnic, religious and linguistic minorities.	without a vote	14
2002/58	Violence against women migrant workers.	without a vote	14
2002/59	Protection of migrants and their families.	without a vote	14
2002/60	Missing persons	without a vote	14
2002/61	Human rights of persons with disabilities.	without a vote	14
2002/62	Human rights of migrants	without a vote	14
2002/63	Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People.	without a vote	15

Resolutions Adopted by the Commission on Human Rights at its Fifty-Eighth Session—Continued

Year/No.	Title	Method of adoption[1]	Agenda item
2002/64	Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994.	without a vote	15
2002/65	Human rights and indigenous issues.	without a vote	15
2002/66	The work of the Sub-Commission on the Promotion and Protection of Human Rights.	without a vote	16
2002/67	Situation of human rights in Myanmar.	without a vote	9
2002/68	Racism, racial discrimination, xenophobia and related intolerance.	recorded vote (37/11/5)	6
2002/69	The right to development	recorded vote (38/0/15)	7
2002/70	Human rights defenders	without a vote	17
2002/71	Promotion of the right of peoples to peace.	recorded vote (33/15/5)	17
2002/72	Promotion of a democratic and equitable international order.	recorded vote (32/15/6)	17
2002/73	Human rights and international solidarity.	recorded vote (38/15/0)	17
2002/74	United Nations decade for human rights education (1995–2004).	without a vote	17
2002/75	Human rights and the environment as part of sustainable development.	without a vote	17
2002/76	The role of good governance in the promotion of human rights.	without a vote	17
2002/77	The question of the death penalty.	recorded vote (25/20/8)	17
2002/78	Status of the International Covenants on Human Rights.	without a vote	17
2002/79	Impunity	without a vote	17
2002/80	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights.	recorded vote (36/14/3)	18
2002/81	Protection of United Nations personnel.	without a vote	18

Resolutions Adopted by the Commission on Human Rights at its Fifty-Eighth Session—Continued

Year/No.	Title	Method of adoption[1]	Agenda item
2002/82	Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region.	without a vote	18
2002/83	National institutions for the promotion and protection of human rights.	without a vote	18
2002/84	Human rights and thematic procedures.	without a vote	18
2002/85	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights.	without a vote	18
2002/86	Enhancement of international cooperation in the field of human rights.	recorded vote (40/0/13)	17
2002/87	Advisory services and technical cooperation in the field of human rights.	without a vote	19
2002/88	Assistance to Somalia in the field of human rights.	without a vote	19
2002/89	Situation of human rights in Cambodia.	without a vote	19
2002/90	Situation of human rights in the occupied Palestinian territory.	recorded vote (33/1/19)	4
2002/91	Enhancement of the effectiveness of the working methods of the Commission.	recorded vote (36/0/17)	3
2002/92	Rights of the child	without a vote	13

[1] In the case of a vote, the figures in brackets represent: votes in favor/votes against/abstentions.

APPENDIX G—United Nations Commission on Human Rights Voting History, 1997–2000

(Table 1 of 2.)

	Cuba				China-No Action					Iran				
	97	98	99	2000	95*	95*	97	99	2000	97	98	99	GA	2000
AFRICA-15														
Algeria	a				y	n	y			y			a	
Burundi				n					y					a
Cameroon					y	n							a	
Djibouti													n	
DROC	n	n	n				y	y		y	a	a	n	
Liberia			a	n				a	a			y	a	n
Libya													n	
Madagascar	a	a	a	n			y	y	y	a	a	a		a
Mauritius			a	a	a	a		a	a			y	y	y
Niger			n	n				a	y			a		n
Nigeria				n					y				a	a
Senegal		a	a	a				a	a		a	n	n	n
South Africa	n	n	n				n	n		a	a	a	a	
Swaziland				a					n				a	a
Zambia				n					y				a	a
Botswana		a	a	a				y	y		y	a	a	a
Congo-B		n	n	n				y	y		n	y	n	n
Morocco		a	y	y				y	y		n	n	n	n
Rwanda		n	n	a				n	a		a	y		y
Sudan		n	n	n	y	n		y	y		n	n	n	n
Tunisia		a	n	n				a	a		a	n	n	n

ASIA-12														
China	n	n	n	n	y	n	y	y	y	n	n	n	n	n
India	n	n	n	n	y	n	y	y	y	n	n	n	n	n
Indonesia	n	n	n	n	y	n	y	y	y	n	n	n	n	n
Japan	y	y	y	y	n	y	n	n	n	y	y	y	y	y
Korea	y	y	y	y	a	a	a	a	a	a	a	a	a	a
Malaysia	a	n			y	n	y			n	n		n	
Pakistan	a	n	n	n	y	n	y	y	y	n	n	n	n	n
Qatar			n	a				y	y			n	n	n
Saudi Arabia													n	
Syria													n	
Thailand													a	
Vietnam													n	
Bangladesh	a	a	a	a	y	n	y	y	y	n	n	n	n	n
Bhutan	n	n	n	n	y	n	y	y	y	a	n	n	n	n
Nepal	a	a	a	a	y	n	y	y	y	a	a	a	n	n
Philippines	a	a	a	a	n	a	a	a	a	a	n	n	n	n
Sri Lanka	a	a	n	a	y	n	y	y	y	a	a	n	n	n
GRULAC-11														
Argentina	y	y	y	y			a	a	a	y	y	a	a	a
Brazil	a	a		a	a	a	a		a	y	y		y	y
Colombia	a		a	a	a	a	y	y	n	a		n	n	a
Costa Rica													y	
Cuba	n	n	n	n	y	n	y	y	y	n	n	n	n	n
Ecuador	a	a	y	a	n	y	a	a	a	y	y	y	y	y
Guatemala		a	a	y				a	n		y	y	y	y
Mexico	a	a	n	a	a	a	a	a	a	y	a	a	a	a
Peru		a	n	n	y	n		y	y		y	a	a	a
Uruguay	y									y			a	
Venezuela		a	n	n	a	a		y	y		y	n	n	n
Chile	y	a	y	y	a	a	n	a	a	y	y	y	y	y
El Salvador	y	y	a	y	n	y	n	n	n	y	y	y	y	y

APPENDIX G—United Nations Commission on Human Rights Voting History, 1997–2000—Continued

(Table 1 of 2.)

	Cuba				China-No Action					Iran				
	97	98	99	2000	95*	95*	97	99	2000	97	98	99	GA	2000
E. EURO-5														
Czech Repub	y	y	y	y			n	n	n	y	y	y	y	y
Latvia			y	y				n	n			y	y	y
Poland		y	y	y	n	y		n	n		y	y	y	y
Romania			y	y	n	y		a	abs			y	y	y
Russia	a	n	n	n	n	n	a	y	y	y	y	a	a	n
WEOG-10														
Belgium													y	
Canada	y	y	y	y	n	y	n	n	n	y	y	y	y	y
France	y	y	y	y	n	y	n	n	n	y	y	y	y	y
Germany	y	y	y	y	n	y	n	n	n	y	y	y	y	y
Italy	y	y	y	y	n	y	n	n	n	y	y	y	y	y
Norway			y	y				n	n		y	y	y	y
Portugal				y				n	n			y	y	y
Spain				y					n				y	y
UK	y	y	y	y	n	y	n	n	n	y	y	y	y	y
US	y	y	y	y	n	y	n	n	n	y	y	y	y	y
Luxembourg		y	y	y				n	n		y	y	y	y
Total														
yes	12	13	16	17	9	11	10	12	14	16	17	17	20	18
no	5	9	13	14	11	9	9	13	16	6	6	10	16	12
abstain	9	7	6	8	6	6	6	10	8	4	6	9	14	10

Final CHR Vote													
yes	19	16	21	21	22	20	27	22	22	26	23	23	22
no	10	19	20	18	22	21	17	17	18	7	14	16	20
abstain	24	18	12	14	09	12	9	14	12	19	16	14	11

*China 95 had a tie in the no-action vote (22–22–9) and lost the actual vote (20–21–12).
**Sudan was not a roll call vote so there is no official count. People raised their hand and the chair counted silently.
Countries in bold are new to the Commission this year.
Countries in italic left the Commission this year.

APPENDIX G—United Nations Commission on Human Rights Voting History, 1997–2000

(Table 2 of 2.)

	Iraq					Sudan					FRY					Chech	Democ	
	97	98	99	GA	2000	97	98	99	GA	2000	97	98	99	GA	2000	2000	99	2000
AFRICA-15																		
Algeria	a			a		c			n		c			y				
Burundi					a					**					y	y		y
Cameroon				a					a					a				
Djibouti				a					n					y				
DROC	y	a	a			c	a	c	n		c	a	y	a			y	
Liberia			y		a			c		**			y		y	abs	y	y
Libya				n					n					y				
Madagascar	a	a	a		a	c	a	c		**	c	a	y	y	a	n	y	y
Mauritius			y	y	y			c	y	**			a	y	y	y	y	y
Niger			a		a			c		a			y	y	y	y	y	y
Nigeria				a	a				a	a				y	a	a		y
Senegal		y	y	y	y	c	a	c	a	**		y	y	y	y	a	y	y
South Africa	y	y	y	y		c	y	c	y		c	y	a	y			y	

APPENDIX G—United Nations Commission on Human Rights Voting History, 1997–2000—Continued

(Table 2 of 2.)

	Iraq					Sudan					FRY					Chech	Democ	
	97	98	99	GA	2000	97	98	99	GA	2000	97	98	99	GA	2000	2000	99	2000
AFRICA-15 (Continued)																		
Swaziland				y	y				a	**				a	y	a		y
Zambia				y	a				a	**				y	a	y		y
Botswana		y	y	y	y		y	c	y	y		y	y	y	y	y	y	y
Congo-B		a	a	a	a		a	c	a	**		a	a	a	a	n	y	a
Morocco		a	a	a	a		a	c	n	**		y	y	y	y	abs	y	y
Rwanda		a	y		y	c	a	c		**		a	y		y	y	y	a
Sudan		a	a	n	a	c	n	c	n	a		y	y	y	y	a	y	a
Tunisia		a	a	a	a	c	a	c	a	**		y	y	y	y	a	y	y
ASIA-12																		
China	a	a	a	a	a	c	n	c	n	a	c	a	a	a	a	n	a	a
India	a	a	a	a	a	c	n	c	n	a	c	a	a	a	a	n	y	y
Indonesia	a	a	a	a	a	c	n	c	n	a	c	y	y	y	y	a	y	y
Japan	y	y	y	y	y	c	y	c	y	y	c	y	y	y	y	a	y	y
Korea	y	y	y	y	y	c	y	c	y	y	c	y	y	y	y	a		y
Malaysia	a	a		a		c	a		a		c	y		y				
Pakistan	a	a	a	a	a	c	n	c	n	a	c	y	y	y	y	y	y	a
Qatar			a		a			c	n	a			y	y	y	y	y	a
Saudi Arabia				y					n					y				
Syria				a					n					y				

ASIA-12 (Continued)																		
Thailand				a					y					y				
Vietnam				a					n					a				
Bangladesh	a	a	a	a	a	c	a	c	a	a	c	y	y	y	y	a	y	y
Bhutan	a	y	y	y	y	c	a	c	a	a	c	y	y	y	y	a	y	a
Nepal	a	a	a	a	a	c	a	c	a	a	c	y	a	y	a	a	y	y
Philippines	a	a	y	a	y	c	a	c	a	**	c	y	y	y	y	a	y	y
Sri Lanka	a	a	a	a	a	c	a	c	a	a	c	a	y	y	y	n	y	y
GRULAC-11																		
Argentina	y	y	y	y	y	c	y	c	y	y	c	y	y	y	y	y	y	y
Brazil	y	y		y	y	c	y		y	**	c	y		y	y	a		y
Colombia	y		y	y	y	c		c	y	**	c		y	y	y	a	y	y
Costa Rica				y					y					y				
Cuba	a	a	a	a	a	c	n	c	n	a	c	a	a	a	a	n	a	a
Ecuador	y	y	y	y	y	c	y	c	y	**	c	y	y	y	y	a	y	y
Guatemala		y	y	y	y		y	c	y	y		y	y	y	y	a	y	y
Mexico	y	a	y	y	y	c	y	c	y	a	c	y	a	y	y	a	y	y
Peru		y	y	y	y		y	c	y	**		y	y	y	y	a	y	y
Uruguay	y			y		c			y		c			y			y	
Venezuela		a	y	y	a		y	c	y	**		y	y	y	y	a	y	y
Chile	y	y	y	y	y	c	y	c	y	**	c	y	y	y	y	y	y	y
El Salvador	y	y	y	y	y	c	y	c	y	**	c	y	y	y	y	y	y	y

APPENDIX G—United Nations Commission on Human Rights Voting History, 1997–2000—Continued

(Table 2 of 2.)

	Iraq					Sudan					FRY					Chech	Democ	
	97	98	99	GA	2000	97	98	99	GA	2000	97	98	99	GA	2000	2000	99	2000
E. EURO-5																		
Czech Repub	y	y	y	y	y	c	y	c	y	y	c	y	y	y	y	y	y	y
Latvia			y	y	y			c	y	y			y	y	y	y	y	y
Poland		y	y	y	y	c	y	c	y	y		y	y	y	y	y	y	y
Romania			y	y	y			c	y	y			y	y	y	y	y	y
Russia	y	a	y	y	a	c	y	c	y	a	c	a	n	n	n	n	y	y
WEOG-10																		
Belgium				y					y					y				
Canada	y	y	y	y	y	c	y	c	y	y	c	y	y	y	y	y	y	y
France	y	y	y	y	y	c	y	c	y	y	c	y	y	y	y	y	y	y
Germany	y	y	y	y	y	c	y	c	y	y	c	y	y	y	y	y	y	y
Italy	y	y	y	y	y	c	y	c	y	y	c	y	y	y	y	y	y	y
Norway		y	y	y	y		y	c	y	y		y	y	y	y	y	y	y
Portugal			y	y	y			c	y	y			y	y	y	y		y
Spain				y	y				y	y				y	y	y		y
UK	y	y	y	y	y	c	y	c	y	y	c	y	y	y	y	y	y	y
US	y	y	y	y	y	c	y	c	y	y	c	y	y	y	y	y	y	y
Luxembourg		y	y	y	y		y	c	y	y		y	y	y	y	y	y	y
Total																		
yes	18	18	26	33	25	c	20	c	30		c	23	28	43	32	20	40	45
no	0	0	0	1	0	c	5	c	13		c	0	1	1	1	5	0	0
abstain	8	11	9	13	14	c	4	c	6		c	6	6	7	6	13	2	4

Final CHR Vote															
yes	31	32	35	32	c	31	c	28	c	41	46	44	25	51	45
no	0	0	0	0	c	6	c	0	c	9	1	1	7	0	0
abstain	22	21	18	21	c	16	c	24	c	12	6	8	19	2	8

*China 95 had a tie in the no-action vote (22–22–9) and lost the actual vote (20–21–12).
**Sudan was not a roll call vote so there is no official count. People raised their hand and the chair counted silently.
Countries in bold are new to the Commission this year.
Countries in italic left the Commission this year.

APPENDIX G—United Nations Commission on Human Rights Voting History, 1999–2002

(Table 1 of 2.)

	Cuba				China*			Iran				Iraq				
	99	00	01	02	99	00	01	99	00	01	02	99	00	01	02	GA
AFRICA-15																
Algeria (03)			n	n			y			n	n			n	n	a
Burkina Faso (05)																a
Cameroon (03)			y	y			y			a	a			a	a	a
DROC (03)	n		x	n	y		x	a		a	n	a		a	a	a
Gabon (05)																y
Kenya (03)			a	a			y			a	a			a	a	a
Libya (03)			n	n			y			n	n			n	n	n
Senegal (03)	a	a	a	a	a	a	a	n	n	n	n	y	y	y	y	y
Sierra Leone (04)				a							a				a	a
South Africa (03)	n		n	n	n		a	a		a	a	y		y	a	a
Sudan (04)	n	n		n	y	y		n	n		n	a	a		n	n
Swaziland (05)		a	n	a		n	a		a	a	a		y	y	y	y

APPENDIX G—United Nations Commission on Human Rights Voting History, 1999–2002—Continued

(Table 1 of 2.)

	Cuba				China*			Iran				Iraq				
	99	00	01	02	99	00	01	99	00	01	02	99	00	01	02	GA
AFRICA-15 (Continued)																
Togo (04)				n							n				a	a
Uganda (04)				a							a				a	a
Zimbabwe (05)																a
ASIA-12																
Bahrain (04)				n							n				a	a
China (05)	n	n	n	n	y	y	y	n	n	n	n	a	a	a	a	a
India (03)	n	n	n	n	y	y	y	n	n	n	n	a	a	a	a	a
Japan (05)	y	y	y	y	n	n	n	y	y	y	y	y	y	y	y	y
Korea (04)	y	y	y	y	a	a	a	a	a	a	a	y	y	y	y	y
Malaysia (03)			n	n			y			n	n			a	a	a
Pakistan (04)	n	n	n	n	y	y	y	n	n	n	n	a	a	a	a	a
Saudi Arabia (03)			n	n			y			n	n			y	y	a
Sri Lanka (05)	n	a				y		n	n			a	a			a
Syria (03)			n	n			y			n	n			a	n	n
Thailand (03)			a	a			y			a	a			a	a	a
Vietnam (03)			n	n			y			n	n			a	a	a
GRULAC-11																
Argentina (05)	y	y	y	y	a	a	a	a	a	a	y	y	y	y	y	y
Brazil (05)		a	a	a		a	a		y	a	a		y	y	y	y
Chile (04)	y	y		y	a	a		y	y		a	y	y		y	y
Costa Rica (03)			y	y			n			y	y			y	y	y
Cuba (03)	n	n	n	n	y	y	y	n	n	n	n	a	a	a	a	a
Guatemala (03)	a	y	y	y	a	n	n	y	y	y	a	y	y	y	y	y
Mexico (04)	n	a	a	y	a	a	a	a	a	y	y	y	y	y	y	y

GRULAC-11 (Continued)																
Paraguay (05)																y
Peru (03)	n	n	a	y	y	y	a	a	a	y	y	y	y	y	y	y
Uruguay (03)	y		y	y	a		a	a		a	a	y		y	y	y
Venezuela (03)	n	n	n	n	y	y	y	n	n	n	n	y	a	a	a	a
E. EURO-5																
Armenia (04)				a							n				y	y
Croatia (04)				y							y				y	y
Poland (03)	y	y	y	y	n	n	n	y	y	y	y	y	y	y	y	y
Russia (03)	n	n	n	n	y	y	y	a	n	n	n	y	a	a	a	a
Ukraine (05)																y
WEOG-10																
Australia (05)																y
Austria (04)				y							y				y	y
Belgium (03)			y	y			n			y	y			y	y	y
Canada (03)	y	y	y	y	n	n	n	y	y	y	y	y	y	y	y	y
France (04)	y	y	y	y	n	n	n	y	y	y	y	y	y	y	y	y
Germany (05)	y	y	y	y	n	n	n	y	y	y	y	y	y	y	y	y
Ireland (05)																y
Sweden (04)				y							y				y	y
UK (03)	y	y	y	y	n	n	n	y	y	y	y	y	y	y	y	y
US (05)	y	y	y		n	n	n	y	y	y		y	y	y		y

APPENDIX G—United Nations Commission on Human Rights Voting History, 1999–2002—Continued

(Table 1 of 2.)

	Cuba				China*			Iran				Iraq				
	99	00	01	02	99	00	01	99	00	01	02	99	00	01	02	GA
Final Vote																
yes	21	21	22	23	22	22	23	23	22	21	19	35	32	30	28	97
no	20	18	20	21	17	18	17	16	20	17	20	0	0	3	4	3
abstain	12	14	10	9	14	12	12	14	11	15	14	18	21	19	21	77

* China 95: tie in the no-action vote (22–22–9) and lost the actual vote (20–21–12).
** Sudan was not a roll call vote, thus no official count.
***Zim = Zimbabwe: no-action vote.
Countries in bold were new to the CHR in 2003.
Numbers within parenthesis in the year a country's term ends.
GA total votes = the entire GA body.

APPENDIX G—United Nations Commission on Human Rights Voting History, 1999–2002

(Table 2 of 2.)

	Sudan**					Chechn			Democ				Zim***
	99	00	01	02	GA	00	01	02	99	00	01	02	02
AFRICA-15													
Algeria (03)			a	n	n		a	a			y	y	y
Burkina Faso (05)					n								
Cameroon (03)			a	n	a		a	a			y	y	a
DROC (03)	c		a	n	n		a	n	y		a	y	y
Gabon (05)					n								

AFRICA-15 (Continued)													
Kenya (03)			a	n	a		n	n			y	y	y
Libya (03)			a	n	n		n	a			a	a	y
Senegal (03)	c	**	a	n	a	a	a	a	y	y	y	y	y
Sierra Leone (04)				n	n			a				a	y
South Africa (03)	c		y	a	n		y	a	y		y	y	y
Sudan (04)	c	a		n	n	a		n	a	a		a	y
Swaziland (05)		**	a	n	n	a	a	n		y	a	a	y
Togo (04)				n	n			n					y
Uganda (04)				y	a			a				y	y
Zimbabwe (05)					n								
ASIA-12													
Bahrain (04)				n	n			a				y	y
China (05)	c	a	a	n	n	n	n	n	a	a	a	a	y
India (03)	c	a	a	n	n	n	n	n	y	y	y	y	y
Japan (05)	c	y	y	y	y	a	a	a	y	y	y	y	n
Korea (04)	c	y	y	y	y	a	a	a	y	y	y	y	n
Malaysia (03)			a	n	n		a	a			y	y	y
Pakistan (04)	c	a	a	n	n	y	y	a	y	a	y	y	y
Saudi Arabia (03)			a	n	n		y	a			a	a	y
Sri Lanka (05)	c	a			a	n			y	y			
Syria (03)			a	n	n		a	n			a	a	y
Thailand (03)			a	a	a		a	a			y	y	y
Vietnam (03)			a	n	n		n	n			a	a	y
GRULAC-11													
Argentina (05)	c	y	y	y	y	y	a	a	y	y	y	y	n
Brazil (05)		**	y	y	y	a	a	a		y	y	y	a
Chile (04)	c	y		y	y	y		a	y	y		y	n
Costa Rica (03)			y	y	y		a	y			y	y	n
Cuba (03)	c	a	a	n	n	n	n	n	a	a	a	a	y
Guatemala (03)	c	y	y	y	y	a	y	y	y	y	y	y	n
Mexico (04)	c	a	y	y	y	a	y	y	y	y	y	y	n
Paraguay (05)					y								

APPENDIX G—United Nations Commission on Human Rights Voting History, 1999–2002—Continued

(Table 2 of 2.)

	Sudan**					Chechn			Democ				Zim***
	99	00	01	02	GA	00	01	02	99	00	01	02	02
GRULAC-11 (Continued)													
Peru (03)	c	**	y	y	y	a	a	a	y	y	y	y	n
Uruguay (03)	a		y	y	y		a	a	y		y	y	n
Venezuela (03)	c	**	y	a	y	a	n	n	y	y	y	y	a
E. EURO-5													
Armenia (04)				a				n				y	n
Croatia (04)				y	y			a				y	n
Poland (03)	c	y	y	y	y	y	y	y	y	y	y	y	n
Russia (03)	c	a	y	n	n	n	n	n	y	y	y	y	y
Ukraine (05)					n								
WEOG-10													
Australia (05)					y								
Austria (04)				y	y			y				y	n
Belgium (03)			y	y	y		y	y			y	y	n
Canada (03)	c	y	y	y	y	y	y	y	y	y	y	y	n
France (04)	c	y	y	y	y	y	y	y	y	y	y	y	n
Germany (05)	c	y	y	y	y	y	y	y	y	y	y	y	n
Ireland (05)					y								
Sweden (04)				y	y			y				y	n
UK (03)	c	y	y	y	y	y	y	y	y	y	y	y	n
US (05)	c	a	a		y	y	y		y	y	y		

Final Vote

yes	c	28	28	25	80	25	22	15	51	45	44	43	26
no	c	0	0	24	62	7	12	16	0	0	0	0	24
abstain	c	24	25	4	33	19	19	22	2	8	9	9	3

* China 95: tie in the no-action vote (22–22–9) and lost the actual vote (20–21–12).
** Sudan was not a roll call vote, thus no official count.
***Zim = Zimbabwe: no-action vote.
Countries in bold were new to the CHR in 2003.
Numbers within parenthesis in the year a country's term ends.
GA total votes = the entire GA body.

APPENDIX H.—UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly, proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of an kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty without any limitation due to race, of any penal offence on account of nationality or religion, have the any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor be denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the Government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

1. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Hundred and eighty-third plenary meeting
Resolution 217(A)(III) of the United Nations General Assembly,
December 10, 1948

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